

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

D21166  
W/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - October 3, 2008

WILLIAM F. MASTRO, J.P.  
PETER B. SKELOS  
RUTH C. BALKIN  
ARIEL E. BELEN, JJ.

2005-10680  
2006-06106

DECISION & ORDER

Raymond A. Powers, respondent, v  
Catherine M. Wilson, appellant;  
Kim M. Rayner, nonparty-respondent.

(Index No. 1903/03)

Catherine M. Wilson, Thornwood, N.Y., appellant pro se.

Raymond A. Powers, Thornwood, N.Y., respondent pro se.

Kim M. Rayner, Chestnut Ridge, N.Y., attorney for the children, nonparty-respondent  
pro se.

In an action for a divorce and ancillary relief, the defendant appeals, as limited by her brief, from (1) so much of an order of the Supreme Court, Westchester County (Sherwood, J.), dated October 4, 2005, as granted, without a hearing, the motion of nonparty Kim M. Rayner, the attorney for the parties' children, for approval of her fees, and, in effect, to direct the defendant to pay 40% of those fees, and (2) so much of an order of the same court dated May 18, 2006, as denied her motion for leave to reargue her opposition to the original motion.

ORDERED that the appeal from order dated October 4, 2005, is dismissed, without costs or disbursements; and it is further,

ORDERED that the appeal from the order dated May 18, 2006, is dismissed, without costs or disbursements, as no appeal lies from an order denying reargument.

November 18, 2008

POWERS v WILSON

Page 1.

A judgment of divorce incorporating the terms of an order dated October 4, 2005, was entered on August 29, 2006. The appeal from the interlocutory order dated October 4, 2005, must be dismissed because the right of direct appeal therefrom terminated with the entry of judgment in the action (*see Matter of Aho*, 39 NY2d 241). The issues raised on the appeal from the order dated October 4, 2005, are brought up for review and have been considered on the appeal from the judgment of divorce (*see CPLR 5501[a][1]*), decided herewith (*see Powers v Wilson*, \_\_\_\_\_ AD3d \_\_\_\_\_ [Appellate Division Docket No. 2006-08981]).

MASTRO, J.P., SKELOS, BALKIN and BELEN, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court