

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

D21388
O/kmg

_____AD3d_____

Submitted - November 10, 2008

PETER B. SKELOS, J.P.
ROBERT A. LIFSON
FRED T. SANTUCCI
RUTH C. BALKIN, JJ.

2007-05497
2007-09486

DECISION & ORDER

John LaFemina, respondent,
v Maria LaFemina, appellant.

(Index No. 12566/05)

Maria E. LaFemina, sued herein as Maria LaFemina, Shirley, N.Y., appellant pro se.

Reynolds, Caronia, Gianell, Hagney & La Pinta, LLP, Hauppauge, N.Y. (James F. Hagney of counsel), for respondent.

In a matrimonial action in which the parties were divorced by judgment entered May 15, 2007, the defendant appeals, as limited by her brief, from (1) so much of an order of the Supreme Court, Suffolk County (Rebolini, J.), dated May 23, 2007, as denied those branches of her motions which were, in effect, pursuant to CPLR 4404(b) to set aside stated portions of a decision dated December 22, 2006, made after an inquest, and (2) stated portions of an order of the same court dated September 10, 2007, which, inter alia, denied those branches of her separate motion which were, in effect, to vacate portions of a judgment of divorce dated May 15, 2007, among other things, upon the decision, awarding the marital residence to the plaintiff as his separate property.

ORDERED that the orders are affirmed insofar as appealed from, with one bill of costs.

The defendant offered no basis upon which to set aside the court's determination that, pursuant to the prenuptial agreement, the marital residence was the plaintiff's separate property.

December 23, 2008

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The defendant's remaining contentions were improperly raised for the first time in her reply brief (*see Gorman v Town of Huntington*, 47 AD3d 30, 39).

SKELOS, J.P., LIFSON, SANTUCCI and BALKIN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

James Edward Pelzer
Clerk of the Court