

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

D22087
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_____AD3d_____

Submitted - January 20, 2009

REINALDO E. RIVERA, J.P.
DANIEL D. ANGIOLILLO
EDWARD D. CARNI
WILLIAM E. McCARTHY, JJ.

2008-01201

DECISION & ORDER

In the Matter of Erwin Embro, appellant,
v Maria T. Smith, respondent.

(Docket No. F-16371-04)

Law Offices of Thomas Weiss, P.C., West Hempstead, N.Y. (Thomas Weiss and Tina LoSchiavo of counsel), for appellant.

In a support proceeding pursuant to Family Court Act article 4, the father appeals from an order of the Family Court, Suffolk County (Budd, J.), dated December 28, 2007, which denied his objections to an order of the same court (Raimondi, S.M.), dated October 10, 2007, denying his petition for a downward modification of child support.

ORDERED that the appeal is dismissed, without costs or disbursements.

It is the appellant's obligation to assemble a proper record on appeal (*see Galarraga v City of New York*, 54 AD3d 308, 311; *Sultan v Sultan*, 295 AD2d 498). Here, the appellant seeks review of a Family Court order denying his objections to an order issued by a Support Magistrate, which denied his petition for a downward modification of his child support obligation. However, the record filed by the appellant does not contain, among other things, the order issued by the Support Magistrate denying his petition, his objections thereto, his original petition for a downward modification in child support, or documentary evidence to which the order on appeal refers. These omissions "inhibit the court's ability to render an informed decision on the merits of the appeal" (*Garnerville Holding Co. v IMC Mgt.*, 299 AD2d 450, 450). Accordingly, the appeal must be dismissed (*see Fernald v Vinci*, 13 AD3d 333; *Garnerville Holding Co. v IMC Mgt.*, 299 AD2d 450;

February 10, 2009

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Matson v County of Nassau, 290 AD2d 494).

RIVERA, J.P., ANGIOLILLO, CARNI and McCARTHY, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court