

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

D22105
W/kmg

_____AD3d_____

Submitted - January 7, 2009

REINALDO E. RIVERA, J.P.
MARK C. DILLON
HOWARD MILLER
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2008-03348

DECISION & ORDER

Lisa McCreery, respondent,
v William McCreery, appellant.

(Index No. 201314/04)

Gassman, Baiamonte, Betts & Tannenbaum, P.C., Garden City, N.Y. (Richard N. Tannenbaum of counsel), for appellant.

Steinberg, Fineo, Berger & Fischhoff, P.C., Woodbury, N.Y. (Heath S. Berger of counsel), for respondent.

In a matrimonial action in which the parties were divorced by judgment dated October 20, 2005, the defendant appeals from so much of an order of the Supreme Court, Nassau County (Ross, J.), dated March 31, 2008, as denied that branch of his cross motion which was for an award of an attorney's fee.

ORDERED that the order is affirmed insofar as appealed from, with costs.

Under the facts of this case, the Supreme Court properly denied that branch of the defendant's cross motion which was for an award of an attorney's fee.

RIVERA, J.P., DILLON, MILLER, BALKIN and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 10, 2009

McCREERY v McCREERY