

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

D22136
Y/kmg

_____AD3d_____

Argued - January 20, 2009

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

2007-02104

DECISION & ORDER

Wen-Yu Zhou Wahab, respondent,
v Chassib Kassim Wahab, appellant.

(Index No. 21793-03)

Chassib Kassim Wahab, Stony Brook, N.Y., appellant pro se.

Schoenfeld, Schoenfeld & Pincus, P.C., Melville, N.Y. (David A. Pincus of counsel),
for respondent.

In an action for a divorce and ancillary relief, the defendant appeals, as limited by his brief, from stated portions of a judgment of the Supreme Court, Suffolk County (McNulty, J.), entered January 9, 2007, which, inter alia, awarded the plaintiff custody of the parties' children and equitably distributed the marital assets.

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

The Supreme Court properly awarded the plaintiff custody of the parties' children. In making a custody determination, the paramount consideration is the best interests of the child (*see Eschbach v Eschbach*, 56 NY2d 167, 171; *Friederwitzer v Friederwitzer*, 55 NY2d 89, 95). "Since the Supreme Court's determination is largely dependent upon an assessment of the credibility of witnesses and upon the character, temperament, and sincerity of the parents, its determination should not be disturbed unless it lacks a sound and substantial basis in the record" (*Bibas v Bibas*, 58 AD3d 586). Here, the Supreme Court's determination to award the plaintiff custody of the children has a sound and substantial basis in the record.

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Moreover, the Supreme Court properly classified the parties' marital residence as marital property (*see Angot v Angot*, 273 AD2d 423, 424).

The defendant's remaining contentions are without merit.

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