

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

D23460
G/prt

_____AD3d_____

Submitted - April 23, 2009

A. GAIL PRUDENTI, P.J.
HOWARD MILLER
RANDALL T. ENG
ARIEL E. BELEN, JJ.

2008-08326

DECISION & ORDER

Josif Uvaydov, appellant, v
Victoria Wexley, respondent.

(Index No. 23425/99)

The Edelsteins Faegenburg & Brown, New York, N.Y. (Adam J. Edelstein of counsel), for appellant.

Blank Rome, LLP, New York, N.Y. (Caroline Krauss-Browne and Brett S. Ward of counsel), for respondent.

In a matrimonial action in which the parties were divorced by judgment dated September 13, 2001, as modified by an order of the same court dated March 4, 2003, the plaintiff appeals, as limited by his brief, from stated portions of an order of the Supreme Court, Queens County (Lebowitz, J.), entered August 1, 2008, which, inter alia, upon the defendant's cross motion, declined to exercise jurisdiction over that branch of the plaintiff's motion which was to modify a prior custody order on the ground that New York is an inconvenient forum and that California is a more appropriate forum.

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

The Supreme Court providently exercised its discretion, upon the defendant's cross motion and upon reviewing the appropriate factors, in declining to exercise jurisdiction over that branch of the plaintiff's motion which was to modify a prior custody order on the ground that New York is an inconvenient forum and that California is a more appropriate forum (*see* Domestic

June 9, 2009

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Relations Law § 76-f; *Matter of Erlec v Johnson*, 58 AD3d 730; *Matter of Hall v Hall*, 44 AD3d 771; *Clark v Clark*, 21 AD3d 1326).

The plaintiff's remaining contentions are without merit.

PRUDENTI, P.J., MILLER, ENG and BELEN, 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