

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

D24033
W/prt

_____AD3d_____

Submitted - June 19, 2009

WILLIAM F. MASTRO, J.P.
FRED T. SANTUCCI
RANDALL T. ENG
PLUMMER E. LOTT, JJ.

2008-07435

DECISION & ORDER

In the Matter of Curtis James Jackson, respondent,
v Shaniqua Tompkins, appellant.

(Docket No. F-3359-07)

Raoul Felder and Partners, P.C., New York, N.Y. (Robert Hiltzik and Myrna Felder of counsel), for appellant.

Brett Kimmel, P.C., New York, N.Y., for respondent.

In a support proceeding pursuant to Family Court Act article 4, the mother appeals from an order of the Family Court, Suffolk County (Budd, J.), entered July 11, 2008, which denied her objections to an order of the same court (Fields, S.M.), dated May 1, 2008, denying her motion for an award of an attorney's fee.

ORDERED that the order entered July 11, 2008, is affirmed, with costs.

Under the circumstances of this case, it was not an improvident exercise of the Family Court's discretion to deny the mother's motion for an award of an attorney's fee (*see DeCabrera v Cabrera-Rosete*, 70 NY2d 879; *Sevdinoglou v Sevdinoglou*, 40 AD3d 959; *Sampson v Glazer*, 109 AD2d 831). Thus, her objections to the order dated May 1, 2008, were properly denied.

MASTRO, J.P., SANTUCCI, ENG and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

September 15, 2009

MATTER OF JACKSON v TOMPKINS