

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

D25896  
C/kmg

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - December 14, 2009

JOSEPH COVELLO, J.P.  
DANIEL D. ANGIOLILLO  
RUTH C. BALKIN  
SANDRA L. SGROI, JJ.

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2009-05515

DECISION & ORDER

Gloria Ross-Williams, plaintiff, v Aston B. Williams,  
appellant; Stuart A. Gellman, nonparty-respondent.

(Index No. 3534/04)

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Zdarsky Sawicki & Agostinelli, Buffalo, N.Y. (Gerald T. Walsh of counsel), for  
appellant.

Dikman & Dikman, Lake Success, N.Y. (Michael Dikman and Stuart A. Gellman, pro  
se, of counsel), for nonparty-respondent.

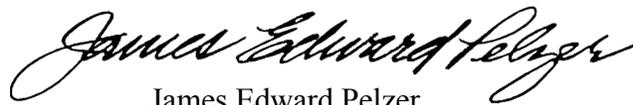
In a matrimonial action in which the parties were divorced by judgment entered June 30, 2008, the defendant appeals from an order of the Supreme Court, Queens County (Strauss, J.), entered May 8, 2009, which granted that branch of the motion of nonparty expert evaluator, Stuart A. Gellman, which was, in effect, to direct the defendant to pay his entire expert fee for services rendered as an expert evaluator.

ORDERED that the order is affirmed, with costs.

In light of the defendant's tactics which unnecessarily prolonged the litigation, the Supreme Court providently exercised its discretion in granting that branch of the motion of the nonparty expert evaluator which was, in effect, to direct the defendant to pay his expert fees in their entirety (*see O'Brien v O'Brien*, 66 NY2d 576, 590; *Bogannam v Bogannam*, 60 AD3d 985, 987; *Conway v Conway*, 29 AD3d 725; *Miklos v Miklos*, 21 AD3d 353; *Levy v Levy*, 4 AD3d 398, 399).

COVELLO, J.P., ANGIOLILLO, BALKIN and SGROI, JJ., concur.

ENTER:

  
James Edward Pelzer

January 26, 2010

ROSS-WILLIAMS v WILLIAMS

Clerk of the Court

January 26, 2010

ROSS-WILLIAMS v WILLIAMS