

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

D27523  
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Submitted - May 6, 2010

PETER B. SKELOS, J.P.  
JOSEPH COVELLO  
L. PRISCILLA HALL  
SANDRA L. SGROI, JJ.

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2009-04924

DECISION & ORDER

In the Matter of Alyse Larkin, appellant,  
v Caleb White, respondent.  
(Proceeding No. 1)

In the Matter of Caleb White, respondent,  
v Alyse Larkin, appellant.  
(Proceeding No. 2)

(Docket Nos. V-9582-07, V-9760-07)

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Alyse Larkin, Merrick, N.Y., appellant pro se.

Joan C. Salwen, Scarsdale, N.Y., for respondent.

In a child custody proceeding pursuant to Family Court Act article 6, the mother appeals from an order of the Family Court, Nassau County (Eisman, J.), dated April 14, 2009, which denied her motion for an award of an attorney's fee and costs.

ORDERED that the order is affirmed, without costs or disbursements.

Contrary to the mother's contentions, the Family Court providently exercised its discretion in denying her motion for an award of an attorney's fee and costs (*see* Domestic Relations Law § 237[b]; *see generally* *DeCabrera v Cabrera-Rosete*, 70 NY2d 879; *Matter of O'Shea v Parker*, 16 AD3d 510, 511; *Matter of O'Neil v O'Neil*, 193 AD2d 16, 20).

SKELOS, J.P., COVELLO, HALL and SGROI, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

May 25, 2010

MATTER OF LARKIN v WHITE  
MATTER OF WHITE v LARKIN