

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

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_____AD3d_____

Argued - April 22, 2010

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
DANIEL D. ANGIOLILLO
PLUMMER E. LOTT, JJ.

2009-00350

DECISION & ORDER

Marianne Rosner, respondent, v Andrew Rosner,
appellant.

(Index No. 201865/06)

Andrew Rosner, Garden City, N.Y., appellant pro se.

Law Offices of Thomas F. Liotti, LLC, Garden City, N.Y. (Michael P. Hilferty and
Lucia Maria Ciaravino of counsel), for respondent.

In an action for a divorce and ancillary relief, the defendant appeals from an order of the Supreme Court, Nassau County (Brown, J.), dated December 18, 2008, which denied his motion to vacate an order of the same court dated April 24, 2008, appointing Cary David Kessler, Esq., as referee, to supervise discovery.

ORDERED that the order is affirmed, with costs.

The Supreme Court properly denied the defendant's motion to vacate an order appointing Cary David Kessler, a private attorney, to serve as referee to supervise discovery pursuant to CPLR 3104(b). The parties consented to Kessler's appointment on the record (*see* CPLR 3104[b]; *cf. Csanko v County of Westchester*, 273 AD2d 434; *Ploski v Riverwood Owners Corp.*, 255 AD2d 24, 28).

The defendant's remaining contention is not properly before this Court.

RIVERA, J.P., FLORIO, ANGIOLILLO and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 25, 2010

ROSNER v ROSNER