

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

D28403
Y/prt

_____AD3d_____

Submitted - September 7, 2010

MARK C. DILLON, J.P.
ANITA R. FLORIO
JOHN M. LEVENTHAL
CHERYL E. CHAMBERS, JJ.

2009-03428

DECISION & ORDER

Jeffrey Gross, appellant, v
Susan Grossman, respondent.

(Index No. 50705/08)

Howard Benjamin, New York, N.Y., for appellant.

Segal & Greenberg, LLP, New York, N.Y. (Philip C. Segal of counsel), for
respondent.

In an action for a divorce and ancillary relief, the plaintiff appeals from an order of the
Supreme Court, Richmond County (Panepinto, J.), entered March 30, 2009, which denied his motion
for pendente lite relief.

ORDERED that the order is affirmed, with costs.

Contrary to the plaintiff's contention, the Supreme Court correctly concluded that the
parties' "Marital Separation and Property Settlement Agreement" was properly acknowledged
(see Domestic Relations Law § 236[B][3]; *Weinstein v Weinstein*, 36 AD3d 797, 798). Accordingly,
the plaintiff's motion for pendente lite relief was properly denied (see *Klein v Klein*, 246 AD2d 195,
198).

DILLON, J.P., FLORIO, LEVENTHAL and CHAMBERS, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

September 28, 2010

GROSS v GROSSMAN