

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

D29219
H/kmb

_____AD3d_____

Submitted - November 12, 2010

PETER B. SKELOS, J.P.
JOSEPH COVELLO
RUTH C. BALKIN
SANDRA L. SGROI, JJ.

2009-09481

DECISION & ORDER

Joanne Anselmo Label, respondent, v Stuart Label,
appellant.

(Index No. 27872/04)

Arnold B. Firestone, P.C., Hauppauge, N.Y. (Tina Marone-Tew of counsel), for
appellant.

The Sallah Law Firm, P.C., Holtsville, N.Y. (Patrick M. Kerr of counsel), for
respondent.

In an action for a divorce and ancillary relief, the defendant husband appeals from an order of the Supreme Court, Suffolk County (MacKenzie, J.), dated August 31, 2009, which, without a hearing, granted the plaintiff wife's motion for an award of an attorney's fee in connection with the husband's prior appeal from an order of the same court dated July 18, 2008, which had been determined by decision and order of this Court dated February 16, 2010 (*Label v Label*, 70 AD3d 898) .

ORDERED that the order is affirmed, with costs.

The Supreme Court providently exercised its discretion in granting the plaintiff wife's motion for an award of an attorney's fee to defend against the prior appeal by the husband in this matrimonial action (*see O'Shea v O'Shea*, 93 NY2d 187, 190; *Bogannam v Bogannam*, 60 AD3d

November 30, 2010

Page 1.

LABEL v LABEL

985, 987; *Prichep v Prichep*, 52 AD3d 61, 65; *Garner v Garner*, 46 AD3d 1258, 1259; *Matter of Vitek v Vitek*, 170 AD2d 908, 910; *Delgado v Delgado*, 160 AD2d 385, 386; *Carlan v Carlan*, 112 AD2d 911).

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

ENTER:


Matthew G. Kiernan
Clerk of the Court