

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

D29841  
Y/hu

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

Submitted - January 4, 2011

ANITA R. FLORIO, J.P.  
RANDALL T. ENG  
ARIEL E. BELEN  
LEONARD B. AUSTIN, JJ.

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2010-00519  
2010-00521  
2010-00523

DECISION & ORDER

In the Matter of Jacqueline Ryan, respondent, v Paul  
Levine, appellant.

(Docket No. F-3376-97)

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Paul Levine, Farmingville, N.Y., appellant pro se.

James Patrick McCarrick, Centereach, N.Y., for respondent.

In a child support proceeding pursuant to Family Court Act article 4, the father appeals from (1) an order of the Family Court, Suffolk County (Buse, S.M.), dated September 2, 2009, which, inter alia, granted the mother's application for an upward modification of her child support obligation to the sum of \$355 bi-weekly, (2) an order of the same court dated October 15, 2009, which directed the entry of a money judgment in favor of the mother for child support arrears in the sum of \$10,390.41, and (3) an order of the same court (Hoffmann, J.), dated December 11, 2009, which denied the father's objections to the order dated September 2, 2009.

ORDERED that the appeal from the order dated September 2, 2009, is dismissed, as that order was superseded by the order dated December 11, 2009; and it is further,

ORDERED that the orders dated October 15, 2009, and December 11, 2009, are affirmed; and it is further,

ORDERED that one bill of costs is awarded to the mother.

January 25, 2011

MATTER OF RYAN v LEVINE

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The father's significant increase in income, coupled with the mother's evidence regarding specific increased costs relating to the child's basic necessities, including shelter, medicine, and education, warranted an increase in child support based upon a substantial change of circumstances (*see McMahon v McMahon*, 19 AD3d 464; *Matter of Elia v Elia*, 299 AD2d 358; *Matter of Staffanell v Staffanell*, 220 AD2d 751).

FLORIO, J.P., ENG, BELEN and AUSTIN, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court