

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

D30581  
O/prt

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

Submitted - February 22, 2011

DANIEL D. ANGIOLILLO, J.P.  
ANITA R. FLORIO  
JOHN M. LEVENTHAL  
ROBERT J. MILLER, JJ.

2010-00180

DECISION & ORDER

Thierry Lew, appellant, v  
Dorothy Lew, respondent.

(Index No. 203028/05)

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Thierry Lew, Roslyn Heights, N.Y., appellant pro se.

Lester & Associates, P.C., Garden City, N.Y. (Roy J. Lester of counsel), for  
respondent.

In an action for a divorce and ancillary relief, the plaintiff appeals, as limited by his brief, from stated portions of a judgment of the Supreme Court, Nassau County (Ross, J.), entered November 24, 2009, which, upon a decision of the same court dated May 5, 2009, made after a nonjury trial, inter alia, directed him to pay the defendant (a) the sum of \$220 per week in child support, retroactive to October 25, 2005, (b) 50% of the sum of \$240 per week, representing child care expenses, retroactive to May 2006, (c) 50% of the sum of \$290 per month, representing nursery school expenses for the parties' child, retroactive to September 2007, (d) 50% of the cost of health and medical insurance for the parties' child, retroactive to February 7, 2008, and (e) 50% of the unreimbursed medical, pharmaceutical, optical, dental, orthodontic, and therapeutic expenses for the parties' child, retroactive to October 25, 2005.

ORDERED that the judgment is affirmed insofar as appealed from, without costs or disbursements.

The defendant contends that the plaintiff failed to assemble a complete record, including all of the pertinent transcripts relating to the issues presented on this appeal (*see* CPLR

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5526; *Schwartz v Schwartz*, 73 AD3d 1156, 1156-1157). However, there are sufficient transcripts of the trial proceedings in the record for this Court to reach an informed decision on the merits and provide meaningful appellate review of the judgment insofar as appealed from (*cf. Schwartz v Schwartz*, 73 AD3d at 1157; *Wen Zong Yu v Hua Fan*, 65 AD3d 1335).

Since the plaintiff never requested the assignment of counsel, his contention that the Supreme Court should have appointed counsel on his behalf is unpreserved for appellate review.

The plaintiff failed to comply with the requirement that he file a Statement of Net Worth (*see* Domestic Relations Law § 236[B][4][a]; *Levesque v Levesque*, 73 AD3d 990). As the plaintiff failed to provide the Supreme Court with sufficient evidence to determine his gross income, the Supreme Court properly awarded child support and related obligations based on the needs of the child (*see* Domestic Relations Law §§ 236[B][8][a], 240[1-b][k]; *Kay v Kay*, 37 NY2d 632, 636; *Evans v Evans*, 57 AD3d 718; *Amsellem v Amsellem*, 15 AD3d 510, 510-511; *Mayer v Mayer*, 291 AD2d 384, 385). Furthermore, the plaintiff failed to satisfy his burden of establishing that he diligently sought to obtain new employment commensurate with his skills, qualifications, and experience (*see Paul v Paul*, 67 AD3d 757, 758).

Accordingly, the plaintiff's contentions with respect to child support and related payments are without merit.

ANGIOLILLO, J.P., FLORIO, LEVENTHAL and MILLER, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court