

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

D32712

G/mv

____AD3d____

Argued - October 13, 2011

DANIEL D. ANGIOLILLO, J.P.
ANITA R. FLORIO
JOHN M. LEVENTHAL
JEFFREY A. COHEN, JJ.

2010-09705

DECISION & ORDER

Joseph Lynch, respondent, v
Ann Marie Hennessy-Lynch, appellant.

(Index No. 200839/10)

Kenneth J. Weinstein, Garden City, N.Y. (Michael J. Langer of counsel), for appellant.

DiMascio & Associates, LLP, Garden City, N.Y. (John P. DiMascio, Jr., and Lisa Silverman of counsel), for respondent.

Patricia Miller Latzman, Port Washington, N.Y., attorney for the children.

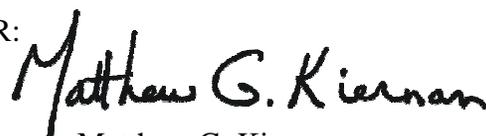
In an action for a divorce and ancillary relief, the defendant wife appeals, as limited by her brief, from so much an order of the Supreme Court, Nassau County (Bruno, J.), dated September 15, 2010, as, after a hearing, granted that branch of the plaintiff husband's motion which was to award him pendente lite exclusive use and occupancy of the marital home.

ORDERED that the order is affirmed insofar as appealed from, with costs.

The Supreme Court did not improvidently exercise its discretion in granting that branch of the plaintiff husband's motion which was for pendente lite exclusive use and occupancy of the marital home (*see Pascazi v Pascazi*, 52 AD3d 664; *Shanon v Patterson*, 294 AD2d 485, 486; *Preston v Preston*, 147 AD2d 464, 465; *Kristiansen v Kristiansen*, 144 AD2d 441, 442).

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

ENTER:



Matthew G. Kiernan
Clerk of the Court

November 1, 2011

LYNCH v HENNESSY-LYNCH