

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

D32975  
H/kmb

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Submitted - October 28, 2011

WILLIAM F. MASTRO, J.P.  
CHERYL E. CHAMBERS  
SANDRA L. SGROI  
ROBERT J. MILLER, JJ.

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2010-11392

DECISION & ORDER

In the Matter of Nathaniel Boyd, appellant,  
v Nicole Crepeau, respondent.

(Docket No. V-38896-09)

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Peter C. Lomtevas, P.C., Ozone Park, N.Y., for appellant.

Rosemary Rivieccio, New York, N.Y., for respondent.

In a child custody proceeding pursuant to Family Court Act article 6, the father appeals from an order of the Family Court, Kings County (O'Shea, J.), dated October 22, 2010, which, in effect, granted the mother's motion to dismiss the petition on the ground that New York is an inconvenient forum.

ORDERED that the order is affirmed, without costs or disbursements.

Contrary to the father's contention, the Family Court providently exercised its discretion by, in effect, granting the mother's motion to dismiss the petition on the ground that New York is an inconvenient forum. After reviewing the appropriate factors, the Family Court providently concluded that California is the more appropriate and convenient forum (*see* Domestic Relations Law § 76-f; *Matter of Toale v Caravella*, 86 AD3d 576; *Uvaydov v Wexley*, 63 AD3d 827; *Matter of Erlec v Johnson*, 58 AD3d 730; *Matter of Hall v Hall*, 44 AD3d 771; *Clark v Clark*, 21 AD3d 1326; *compare Matter of Ferris v Quinones*, 44 AD3d 854).

November 22, 2011

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MATTER OF BOYD v CREPEAU

The father's remaining contentions are without merit.

MASTRO, J.P., CHAMBERS, SGROI and MILLER, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court