

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

D36020
T/kmb

_____AD3d_____

Submitted - June 22, 2012

WILLIAM F. MASTRO, A.P.J.
PETER B. SKELOS
ANITA R. FLORIO
L. PRISCILLA HALL, JJ.

2011-05486

DECISION & ORDER

Stephanie King, appellant, v Charles King, respondent.

(Index No. 14258/09)

Paul D. Stone, P.C., Tarrytown, N.Y., for appellant.

Braunstein & Zuckerman, White Plains, N.Y. (Lawrence Jay Braunstein of counsel),
for respondent.

In an action for a divorce and ancillary relief, the plaintiff appeals from an order of the Supreme Court, Westchester County (Connolly, J.), entered May 10, 2011, which, upon a stipulation of settlement dated December 13, 2010, granted her motion for an award of an attorney's fee in the sum of \$66,623.56 only to the extent of awarding her the sum of \$25,000.

ORDERED that the order is modified, on the facts and in the exercise of discretion, by increasing the award of an attorney's fee from the sum of \$25,000 to the sum of \$45,000; as so modified, the order is affirmed, with costs to the plaintiff.

The Supreme Court improvidently exercised its discretion in awarding the plaintiff an attorney's fee in the sum of only \$25,000. Considering the parties' relative circumstances, including the disparity in the parties' respective incomes, and considering all of the relevant factors, an award of an attorney's fee in the sum of \$45,000 is appropriate (*see* Domestic Relations Law § 237[a]; *DeCabrera v Cabrera-Rosete*, 70 NY2d 879, 881; *Moreira v Moreira*, 84 AD3d 899, 900).

MASTRO, A.P.J., SKELOS, FLORIO and HALL, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

September 26, 2012

KING v KING