

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

**1109**

**CA 13-02250**

PRESENT: SCUDDER, P.J., FAHEY, CARNI, LINDLEY, AND VALENTINO, JJ.

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NICHOLAS D. TRBOVICH, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

JACQUELINE TRBOVICH, DEFENDANT-RESPONDENT.  
(APPEAL NO. 2.)

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LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO, BOUVIER PARTNERSHIP, LLP,  
EAST AURORA, THE COSGROVE LAW FIRM (EDWARD C. COSGROVE OF COUNSEL),  
FOR PLAINTIFF-APPELLANT.

LAW OFFICE OF JOSEPH G. MAKOWSKI, BUFFALO (JOSEPH G. MAKOWSKI OF  
COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Erie County (James H. Dillon, J.), entered December 4, 2013 in a divorce action. The order granted the motion of defendant for an award of attorneys' fees in the amount of \$56,190 subject to equitable distribution.

It is hereby ORDERED that the order so appealed from is unanimously reversed on the law without costs and defendant's motion for attorneys' fees is denied.

Same Memorandum as in *Trbovich v Trbovich* ([appeal No. 1] \_\_\_\_ AD3d \_\_\_\_ [Nov. 21, 2014]).

Entered: November 21, 2014

Frances E. Cafarell  
Clerk of the Court