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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

1 No. 125 SSM 15
Carissa Warner,
 Appellant,
 v.
Richard Houghton,
 Respondent.

Submitted by Barbara Bevando Sobal, for appellant.
Submitted by Adam Richards, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed,
with costs, and the certified question answered in the
affirmative. Contrary to plaintiff's contention, CPLR 5511 does

not bar review of the equitable distribution components of a divorce judgment where, as here, defendant was improperly precluded from contesting the awards. Moreover, the Appellate Division did not abuse its discretion as a matter of law in vacating Supreme Court's preclusion order.

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On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and certified question answered in the affirmative, in a memorandum. Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided June 25, 2008