

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

D23438
T/kmg

_____AD3d_____

Argued - April 6, 2009

WILLIAM F. MASTRO, J.P.
JOSEPH COVELLO
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2008-02290

DECISION & ORDER

Irina Feldbein, respondent,
v Alexandre Roussov, appellant.

(Index No. 103358/05)

Steven Zalewski & Associates, P.C., Kew Gardens, N.Y. (Dustin Bowman of counsel), for appellant.

Victor A. Worms, P.C., New York, N.Y., for respondent.

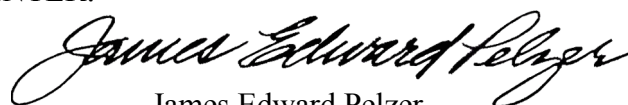
In an action for a divorce, the defendant appeals from an order of the Supreme Court, Richmond County (Pizzuto, J.H.O.), dated January 22, 2008, which, after a hearing, denied his motion to vacate a judgment of divorce of the same court (Giacobbe, J.) entered December 8, 2005, upon his default in answering the plaintiff's complaint.

ORDERED that the order is affirmed, with costs.

The record supports the hearing court's determination that the defendant failed to establish any grounds for vacating the judgment of divorce (*see* CPLR 5015[a][1],[3],[4]; *cf. Nitze v Gallagher*, 138 AD2d 466; *Covello v Covello*, 119 AD2d 792; *Bartal v Bartal*, 117 AD2d 698, 698-699). Accordingly, the court properly denied the defendant's motion for that relief.

MASTRO, J.P., COVELLO, BALKIN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 2, 2009

FELDBEIN v ROUSSOV