

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

19

CA 10-01542

PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, GREEN, AND GORSKI, JJ.

THERESA ANNE JELFO, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

JOHN MICHAEL JELFO, JR., DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

FINOCCHIO & ENGLISH, ESQS., SYRACUSE, D.J. & J.A. CIRANDO, ESQS.
(ELIZABETH deV. MOELLER OF COUNSEL), FOR DEFENDANT-APPELLANT.

JAMES E. CORL, JR., CICERO (J. SCOTT PORTER OF COUNSEL), FOR
PLAINTIFF-RESPONDENT.

SHERENE PAVONE, ATTORNEY FOR THE CHILDREN, MANLIUS, FOR JESSICA A.S.J.
AND JOANNA S.J.

Appeal from an order of the Supreme Court, Onondaga County (Kevin G. Young, J.), entered October 29, 2009 in a divorce action. The order, inter alia, denied the motion of defendant for a downward modification of support and maintenance.

It is hereby ORDERED that the order so appealed from is unanimously modified in the exercise of discretion by vacating the fourth ordering paragraph and as modified the order is affirmed without costs.

Same Memorandum as in *Jelfo v Jelfo* ([appeal No. 1] ____ AD3d ____ [Feb. 10, 2011]).

Entered: February 10, 2011

Patricia L. Morgan
Clerk of the Court