

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

1502

CA 10-01598

PRESENT: CENTRA, J.P., LINDLEY, SCONIERS, GREEN, AND GORSKI, JJ.

EDWARD A. PISKORZ, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

MARILYN PISKORZ, DEFENDANT-RESPONDENT.

ZARCONE ASSOCIATES, PLLC, AMHERST (KELLY V. ZARCONE OF COUNSEL), FOR PLAINTIFF-APPELLANT.

SHARON ANSCOMBE OSGOOD, BUFFALO, FOR DEFENDANT-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Janice M. Rosa, J.), entered March 9, 2010, which granted defendant's motion to enter a stipulated qualified domestic relations order.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Memorandum: On this appeal by plaintiff from a qualified domestic relations order (QDRO), we note that no appeal lies as of right from such an order (see *Irato v Irato*, 288 AD2d 952). Nevertheless, inasmuch as plaintiff "raised timely objections prior to the entry of the QDRO and thereby preserved a record for our review," we treat the notice of appeal as an application for leave to appeal and grant the application (*id.* at 952). Upon considering the merits of plaintiff's contention, we affirm the order.

Entered: February 10, 2011

Patricia L. Morgan
Clerk of the Court