

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

431

CA 10-01457

PRESENT: SMITH, J.P., FAHEY, PERADOTTO, LINDLEY, AND MARTOCHE, JJ.

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KRISTIN RAINEY, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

JASON RAINEY, DEFENDANT-RESPONDENT.  
(APPEAL NO. 2.)

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MC GEE & GELMAN, BUFFALO (MICHAEL B. MULVEY OF COUNSEL), FOR  
PLAINTIFF-APPELLANT.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (MELISSA A. CAVAGNARO OF  
COUNSEL), FOR DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Niagara County (Frank Caruso, J.), entered May 27, 2010 in a postjudgment divorce action. The order, among other things, denied the motion of plaintiff for the entry of a money judgment for maintenance arrears.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law and the facts by vacating the second through fifth ordering paragraphs, and awarding plaintiff the amount of \$7,800 in maintenance arrears, together with a money judgment thereon, and as modified the order is affirmed without costs and the matter is remitted to Supreme Court, Niagara County, for further proceedings in accordance with the same Memorandum as in *Rainey v Rainey* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Apr. 1, 2011]).

Entered: April 1, 2011

Patricia L. Morgan  
Clerk of the Court