

Winning Decision
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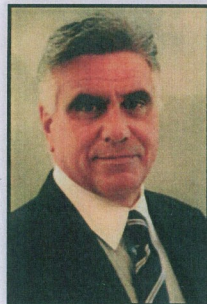
AUGUST 26, 2009

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NASSAU COUNTY FAMILY LAW

CR v. ER

PLAINTIFF wife, represented by Michael P. Vessa of Vessa & Wilensky, P.C., 626 RexCorp Plaza, Uniondale, New York, moved for an Order, inter alia, holding defendant in contempt for his willful violation of the parties' Judgment of Divorce, for maintenance arrears and interest. Pursuant to the Judgment of Divorce, defendant was obligated to pay maintenance in the amount of \$650 per week until the defendant retired, at which point his maintenance obligation was automatically reduced to \$450 per month. The defendant claimed to have retired approximately two weeks after the execution of the Judgment of Divorce and in support of this argument stated that he transferred 50% of his interest in the closely held corporation to his son. However, the testimony at trial elicited the fact that even though defendant claimed to have retired in



or about February 2002, his income remained steady through April 2008. The Court also noted defendant's own testimony that a retired person was "someone who no longer drew a salary". In addition, the testimony of plaintiff's private investigator also confirmed that defendant had not retired in February 2002. In holding that defendant had not retired in 2002, the Court held that the 50% transfer of ownership interest "called into question" defendant's claimed retirement reasoning that if defendant had actually retired, he would have transferred 100% of his interest. In addition, no evidence of this stock transfer even existed. After 5 days of trial, the Court granted plaintiff's motion for arrears accrued through November 2006 in the amount of \$106,500, plus interest. After plaintiff entered judgment against defendant and restrained all of the defendant's bank accounts, defendant agreed to pay plaintiff the sum of \$180,000.