

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

1139

CA 11-01347

PRESENT: SCUDDER, P.J., SMITH, FAHEY, CARNI, AND VALENTINO, JJ.

LYNN M. DELBELLO, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

THOMAS M. DELBELLO, DEFENDANT-APPELLANT.
(APPEAL NO. 2.)

THOMAS M. DELBELLO, DEFENDANT-APPELLANT PRO SE.

KENNEY SHELTON LIPTAK NOWAK LLP, BUFFALO (LAURA J. EMERSON OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from a judgment of the Supreme Court, Erie County (John F. O'Donnell, J.), entered December 2, 2010 in a divorce action. The judgment, inter alia, directed defendant to pay maintenance to plaintiff in the amount of \$200 per week.

It is hereby ORDERED that the judgment so appealed from is unanimously modified on the law by vacating the amount of maintenance awarded and as modified the judgment is affirmed without costs and the matter is remitted to Supreme Court, Erie County, for further proceedings in accordance with the same Memorandum as in *Delbello v Delbello* ([appeal No. 1] ___ AD3d ___ [Nov. 9, 2012]).

Entered: November 9, 2012

Frances E. Cafarell
Clerk of the Court