



### **MATRIMONIAL CASES OF INTEREST**

#### ***G.M. v. M.M. (Westchester Supreme)***

Plaintiff-wife and defendant-husband were married in 1989. However, in 2003, the husband fathered two more children in a secret relationship with another woman. This secret relationship and family was discovered in 2012 by his wife. The court found that the husband was diverting his marital income to support this woman's rent and utility expenses. Because of this wasteful dissipation of assets by the husband, the court awarded the wife sole and exclusive title of the marital residence (valued at \$425,000) even though both husband and wife contributed to the down payment. The court justified this disproportionate distribution of the equity in the marital home because the defendant's conduct of dissipating marital funds for so many years during the marriage justified it.

[LINK TO DECISION](#)

#### ***PAPPAS v. PAPPAS (App Div. 2nd Dept)***

Plaintiff-wife was awarded half of the defendant-husband's non-liquid assets which the husband claims was improperly valued and awarded. The Appellate Court held that because the asset was actively managed, the date of commencement value was properly used by the trial court and that these non-liquid assets constituted marital, not separate, property due to the husband's comingling of funds. However, the trial court erred in awarding half the value of the non-liquid assets without considering the tax consequences of liquidating the assets. Liquidation of the assets in question would have incurred significant tax burdens which would then be borne by the defendant alone and would result in him receiving a substantially smaller share of the marital property.

[LINK TO DECISION](#)

## **PERSONAL INJURY CASE OF INTEREST**

### ***ANDINO v. MILLS (App Div. 1st Dep't)***

Plaintiff sustained a brain injury from a motor vehicle accident which left her with permanent cognitive impairment, recurring headaches, and knee injuries. A jury verdict for the plaintiff awarded \$2.4 million for future lost earnings, \$2.5 million for future lost pension benefits, \$2.1 million for future medical expenses, and \$23 million for future pain and suffering.

The Appellate Division affirmed the Trial Court's decision to deny defendant's motion to (1) reduce the future lost earnings award with the plaintiff's accidental disability pension, and (2) reduce the medical expenses award with the health insurance plan provided as part of her disability retirement. However, the \$23 million future pain and suffering award was deemed excessive and the future lost pension benefits award should have been offset entirely by the disability pension receipts.

**[LINK TO DECISION](#)**

***Visit Our Website >> [www.goKLG.com](http://www.goKLG.com)***

**Klein Liebman & Gresen, LLC** - 6800 Jericho Turnpike, Suite 206E - Syosset, NY 11791

**Phone** (516) 364-3232 || **Fax** (516) 364-3186  
**New York City** (212) 505-5770 || **White Plains** (914) 831-1555

Visit Klein Liebman & Gresen, LLC at [www.goKLG.com](http://www.goKLG.com)

#### **DISCLAIMER**

Our primary purpose in sending this update is to provide information about developments in your industry; however, this email may constitute a commercial electronic mail message under the CAN-SPAM Act of 2003. This email does not contain a complete legal analysis or constitute an opinion of Klein Liebman & Gresen, LLC or any member of the firm or its employees on the issues herein described. This email contains information that may be modified or rendered incorrect by future legislative or judicial developments.

Klein Liebman & Gresen, LLC, 6800 Jericho Turnpike, Suite 206E, Syosset, NY 11791

[SafeUnsubscribe™ jgibralter@goklg.com](#)

[Forward this email](#) | [About our service provider](#)

Sent by [jeff@goklg.com](mailto:jeff@goklg.com) in collaboration with