



MATRIMONIAL CASES OF INTEREST

REPETTI v. REPETTI (App Div, 2nd Dep't)

Contrary to the defendant-husband's contention that an award to plaintiff-wife of a 30% interest in defendant's accounting firm in the sum of \$480,000 was improper, the Appellate Court held in favor of the Supreme Court. The 30% share to the plaintiff properly accounts for her minimal direct and indirect contributions to the business while not ignoring her contributions as the primary caretaker of the parties' children which allowed the defendant to focus on the business.

[LINK TO DECISION](#)

MARIN v. MARIN (App Div, 2nd Dep't)

The plaintiff-wife contends that since the proceeds of certain loans were used to finance the defendant-husband's separate property (i.e. his medical practice), the Supreme Court should have allocated the loan as the defendant's separate responsibility rather than equally between the parties. Here, the Appellate Court held that the loans at issue were used to benefit the defendant's medical practice which was the sole means of financial support for the entire family. Therefore, under the circumstances, it cannot be said that the loan was incurred for the sole benefit of the defendant. As such, the Supreme Court's decision to equally distribute the loan between the parties was proper.

[LINK TO DECISION](#)

GAFYCZ v. GAFYCZ (App Div, 2nd Dep't)

The defendant appealed a decision of the Supreme Court which awarded the plaintiff a 25% interest in properties located in Port Jervis. The defendant had testified that he and his father purchased the properties in question during the marriage and his father later deeded his interest in the properties to the defendant. Although defendant claims that he purchased his half-interest in the properties using separate property, the Appellate Court reaffirmed the Supreme Court's finding that the defendant failed to substantiate his claim of separate property. Accordingly, it was proper to divide defendant's half-share in the properties equally between the parties.

[LINK TO DECISION](#)

PERSONAL INJURY CASE OF INTEREST

O'BUCKLEY v. COUNTY OF CHEMUNG (App Div, 3rd Dep't)

Plaintiff contends that the Supreme Court abused its discretion in denying plaintiff's economist from testifying regarding the decedent's lost future earnings. Plaintiff's 17 year old son, a junior in high school, died as a result of injuries sustained when he lost control of his vehicle while travelling on County Route 26. Plaintiff sought to recover damages alleging that defendants were aware of the hazardous nature of the roadway based on prior accidents in approximately the same location. In calculating the decedent's lost future earnings, the economist noted that he (decedent) had expressed a strong interest in enlisting in the military upon graduation and then obtaining employment with the State Police. Based on this information, the economist prepared three lost earnings scenarios: 1) graduating from high school and earning wages as high school graduate; 2) graduating from high school and enlisting/serving in the military for his entire career; and 3) graduating in high school, serving in the military for five years, then obtaining employment as a State Police officer.

Upon review, the Appellate Court determined that the second and third calculations are based wholly upon "contingencies that are uncertain, dependent on future changeable events, and thus, inherently speculative." However, the Appellate Court agreed with the plaintiff but only to the extent of precluding the plaintiff to introduce expert testimony by the economist relating to the first calculation because it was the only scenario that is based upon a sufficient probability of decedent's lost future earnings.

[LINK TO DECISION](#)

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