

MATRIMONIAL CASES OF INTEREST

TURCO v. TURCO (Appellate Division, 2nd Dept) - The plaintiff appealed the decision of the Supreme Court regarding various matters including the awarding of plaintiff's marital shares in the defendant's business, the crediting of proceeds from the sale of marital residences, the monthly maintenance due to plaintiff, and the amount of child support due to plaintiff.

Of note, the Appellate Court found that the Supreme Court failed to properly award the plaintiff-ex wife her marital share of the husband's interest in the commercial bakery business. During the marriage, the husband's interest in the business had increased from 50% to 79% by the time of trial. The 29% increase in interest was paid for with marital funds and constituted marital property which the plaintiff was entitled to one-half thereof, or a 14.5% interest.

[LINK TO DECISION](#)

CLARK v. CLARK (Appellate Division, 2nd Dept) - The plaintiff was originally awarded \$185,126 as a distributive award relating to the defendant-husband's company, Clark Development, LLC. Pursuant to review, the Appellate Court found that the defendant had presented sufficient evidence that the source of funds deposited into CD, LLC were in fact separate property, even though the business was formed during the marriage. Furthermore, although appreciation or increase in the value of separate property may be subject to distribution if it is due in part to the contributions or efforts of the other spouse, the plaintiff did not provide sufficient evidence to support that claim.

[LINK TO DECISION](#)

PERSONAL INJURY CASE OF INTEREST

HYUNG KEE LEE v. NEW YORK HOSPITAL QUEENS (Appellate Division, 2nd Dept) - Although the hospital conceded its liability for medical malpractice, this case proceeded to trial on the issue of damages. Decedent's wife claims that the decedent spent a minimum of 20 hours a week doing housework and thereby claimed that in the lost household services

claim. However, despite testimony supporting her claims, the court found that there was insufficient evidence showing that any actual expenditure was incurred in replacing the household services which decedent no longer provided. However, the court agreed that the descendant's provision of long-term care for his disabled daughter during his lifetime constituted a recoverable loss of household service as the disabled daughter will not require the aid of a nurse. Therefore, the court revised the award of \$336,000 for lost household services/past economic loss down to \$250,000.

[LINK TO DECISION](#)

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