

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

Moya Fleurantin v. Ralph Fleurantin

Fleurantin, 2025 NY Slip Op 06847 (Supreme Court of the State of New York Appellate Division Second
Judicial Department 2025) · No. 2023-10061; 2023-10423 · Decided December 10, 2025

SUMMARY

The New York Appellate Division, Second Department, modified a judgment of annulment by vacating the child-support and add-on-expense provisions and remanding for a new determination of the defendant's child-support obligation. The court otherwise affirmed awards concerning maintenance and equitable distribution, including distribution of real property and business interests.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Hector D. LaSalle, P.J.; William G. Ford, J.; Janice A. Taylor, J.; Carl J. Landicino, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	December 10, 2025
DOCKET	2023-10061; 2023-10423
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The defendant appealed from a decision following a nonjury trial and from a judgment of annulment awarding maintenance, child support, and equitable distribution.
STANDARD OF REVIEW	The Supreme Court's determinations concerning imputation of income, maintenance, and equitable distribution are reviewed for abuse or improvident exercise of discretion, with deference to credibility determinations; equitable-distribution factual findings are not disturbed unless the distribution was an improvident exercise of discretion. The appellate court reviewed the child-support calculation for legal error.
PRECEDENTIAL VALUE	Published appellate decision

TOPICS

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QUESTIONS PRESENTED

1. Whether an appeal lies from the Supreme Court's decision.
2. Whether the Supreme Court properly calculated the defendant's combined annual income and child-support obligation under the Child Support Standards Act.
3. Whether the Supreme Court providently exercised its discretion in awarding maintenance based on income imputed to the defendant.
4. Whether the Supreme Court properly considered statutory factors and exercised its discretion in distributing marital assets.
5. Whether awarding equitable distribution of business interests in addition to maintenance constituted impermissible double counting.

HOLDINGS

1. No appeal lies from a decision; the appeal from the Supreme Court's decision was dismissed.
2. The Supreme Court erred in calculating the parties' combined annual income for child-support purposes because it failed to apply statutorily permitted deductions, including spousal maintenance paid by the defendant. The child-support provisions were deleted and the matter remitted for a new determination.
3. The Supreme Court properly imputed annual income of \$250,000 to the defendant for purposes of calculating child support and maintenance.
4. The Supreme Court providently exercised its discretion in awarding Moya Fleurantin maintenance of \$2,440.59 per month for 55 months based on income imputed to the defendant.
5. The Supreme Court providently exercised its discretion in awarding Moya Fleurantin 50% of the New York real property and 10% of the businesses and properties in Florida and Pennsylvania.
6. The award of a share of the defendant's businesses in addition to maintenance did not constitute impermissible double counting because the businesses were tangible, income-producing assets.

KEY QUOTATIONS

*“The court, however, erred in determining the combined annual income of the parties for child support purposes” ([*1])*

*“Moreover, the court did not engage in impermissible double counting by distributing a share of the defendant's businesses to the plaintiff in addition to maintenance, as the defendant's businesses were tangible, income-producing assets” ([*2])*

FACTUAL BACKGROUND

The parties were purportedly married in June 2005 and had two children, born in 2005 and 2012. The marriage was determined to be void ab initio because Ralph Fleurantin was still married to his first wife. After trial, the Supreme Court imputed \$250,000 in annual income to Ralph, awarded Moya maintenance, child support, and equitable distribution of real property and businesses. The child-support calculation failed to apply certain statutory deductions, including maintenance paid to a spouse.

PROCEDURAL HISTORY

The plaintiff commenced an action for divorce and ancillary relief in October 2020. The Supreme Court, Westchester County, determined that the purported marriage was void ab initio because the defendant remained married to his first wife, conducted a nonjury trial, and entered a judgment of annulment awarding maintenance, child support, and equitable distribution. The Appellate Division dismissed the appeal from the decision, modified the judgment by deleting the child-support and add-on-expense provisions, affirmed the judgment as otherwise appealed from, and remitted for a new child-support determination.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Supreme Court, Westchester County, for a new determination of the parties' combined annual income and the defendant's child-support obligation, applying the required statutory deductions, including maintenance paid to a spouse, followed by entry of an appropriate amended judgment of annulment.

CASES CITED

- Schicchi v. J.A. Green Constr. Corp., 100 AD2d 509
- Anyanwu v. Anyanwu, 216 AD3d 1128, 1129
- Tuchman v. Tuchman, 201 AD3d 986, 990
- Novick v. Novick, 214 AD3d 995, 996-998
- Matter of Monti v. DiBedendetto, 151 AD3d 864, 866
- Matter of Butta v. Realbuto, 214 AD3d 973, 974
- Matter of Freeman v. Freeman, 71 AD3d 1143, 1144
- Sinnott v. Sinnott, 194 AD3d 868, 873-874
- Boltz v. Boltz, 178 AD3d 656, 658
- Albano v. Albano, 230 AD3d 723, 724-725, 727
- Kiani v. Kiani, 197 AD3d 1168, 1170

- Kattan v. Kattan, 202 AD3d 771, 773, 776
- Shvalb v. Rubinshtein, 204 AD3d 1059, 1061
- Fishman v. Fishman, 186 AD3d 1199, 1201
- Spera v. Spera, 71 AD3d 661, 662
- Sufia v. Khalique, 189 AD3d 1499, 1500
- Varnit v. Varnit, 233 AD3d 917, 922
- Habib v. Habib, 227 AD3d 874, 877-878
- Lieberman-Massoni v. Massoni, 215 AD3d 656, 659-660
- Rigas v. Rigas, 227 AD3d 1017, 1018
- Palydowycz v. Palydowycz, 138 AD3d 810, 813

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