

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

Matter of Berani v. Berani

2026 NY Slip Op 01959 · No. 2025-01994 · Decided April 1, 2026

SUMMARY

The Appellate Division, Second Department, affirmed an order denying the mother's objections to dismissal of her petition alleging that the father failed to pay the child's health insurance premiums. The court held that res judicata barred relitigation of the mother's claim for arrears from 2017 through 2022 because she had sought and failed to prove entitlement to the same relief in a prior proceeding.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Francesca E. Connolly, J.P.; Linda Christopher, J.; Lillian Wan, J.; Susan Quirk, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	April 1, 2026
DOCKET	2025-01994
DISPOSITION	affirmed
PROCEDURAL POSTURE	The mother appealed from an order of the Family Court, Westchester County, denying her objections to a Support Magistrate's order dismissing her child-support enforcement petition on res judicata grounds.
PRECEDENTIAL VALUE	Published
PARTIES	Donika Berani v. Alban Berani

TOPICS

- child support
- res judicata
- family law procedure
- appellate procedure
- civil procedure

PRACTICE AREAS

- Family law
- Civil procedure

QUESTIONS PRESENTED

1. Whether res judicata barred the mother's second petition seeking arrears for the child's health-insurance premiums from 2017 through 2022.
2. Whether the Family Court properly denied the mother's objections to the Support Magistrate's dismissal of that petition.

HOLDINGS

1. Res judicata barred the mother from relitigating her claim for health-insurance-premium arrears from 2017 through 2022 because she sought and failed to prove entitlement to that relief in the prior proceeding.

KEY QUOTATIONS

*“Under the doctrine of res judicata, a disposition on the merits bars litigation between the same parties, or those in privity with them, of a cause of action arising out of the same transaction or series of transactions as a cause of action that either was raised or could have been raised in the prior proceeding” (*2)*

FACTUAL BACKGROUND

The parties were divorced in 2017 and have one child. Their judgment of divorce incorporated but did not merge a settlement stipulation requiring the father to pay 100 percent of the child's unreimbursed medical expenses. After prior child-support modifications and an earlier proceeding addressing health-insurance premiums, the mother filed a new petition seeking payment of premiums allegedly owed for 2017 through 2022.

PROCEDURAL HISTORY

The parties' 2017 judgment of divorce required the father to pay 100 percent of the child's unreimbursed medical expenses. In an earlier proceeding, the Support Magistrate awarded the mother arrears for health-insurance premiums paid from January 1, 2023, through April 17, 2024, but denied relief for premiums before January 1, 2023. The mother then filed a second petition seeking premiums from 2017 through 2022; the Support Magistrate dismissed it as res judicata, and the Family Court denied her objections. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of Solomon v. Solomon, 231 AD3d 733, 734
- Matter of Singer v. Windfield, 125 AD3d 666, 667

OPINION

PER CURIAM.

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April 1, 2026

Appellate Division, Second Department

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This decision is uncorrected and subject to revision before publication in the Official Reports.

In the Matter of Donika Berani, appellant,

v

Alban Berani, respondent.

Supreme Court of the State of New York, Appellate Division, Second Judicial Department

Decided on April 1, 2026

2025-01994, (Docket No. F-6585-22/24F)

Francesca E. Connolly, J.P.

Linda Christopher

Lillian Wan

Susan Quirk, JJ.

Donika Berani, Scarsdale, NY, appellant pro se.

Alban Berani, Yonkers, NY, respondent pro se.

DECISION & ORDER

In a proceeding pursuant to Family Court Act article 4, the mother appeals from an order of the Family Court, Westchester County (Michelle I. Schauer, J.), dated January 9, 2025.

The order denied the mother's objections to an order of the same court (Rosa Cabanillas-Thompson, S.M.) dated October 1, 2024, which, after a hearing, dismissed the mother's petition alleging, in effect, that the father willfully violated the child support provisions of the parties' judgment of divorce and an order of child support.

ORDERED that the order dated January 9, 2025, is affirmed, with costs.

In 2017, the parties, who have one child together, were divorced by a judgment of divorce which incorporated but did not merge a stipulation of settlement.

The judgment of divorce directed, among other things, that the father would be responsible for 100% of the child's unreimbursed medical expenses. In orders dated September 16, 2022, and September 15, 2023, the Family Court, inter alia, modified the father's child support obligations.

The mother filed a petition alleging that the father violated the terms of the judgment of divorce and subsequent child support orders by failing to pay 100% of the child's health insurance premiums.

In an order dated April 17, 2024, the Support Magistrate granted the petition to the extent of awarding the mother arrears for, among other things, the father's share of payments for health insurance premiums made between January 1, 2023, and April 17, 2024, and denied so much of

the petition as sought arrears for health insurance premiums prior to January 1, 2023.

In September 2024, the mother filed another petition, alleging, in effect, that the father violated the judgment of divorce and the child support order dated September 16, 2022, by failing to pay 100% of the child's health insurance premiums from 2017 through 2022.

In an order dated October 1, 2024, the Support Magistrate dismissed the petition on the ground of res judicata. The mother filed objections to that order. In an order dated January 9, 2025, the Family Court denied the mother's objections.

The mother appeals.

Under the doctrine of res judicata, a disposition on the merits bars litigation between the same parties, or those in privity with them, of a cause of action arising out of the same transaction or series of transactions as a cause of action that either was raised or could have been raised in the prior proceeding (*see* *Matter of Solomon v Solomon*, 231 AD3d 733, 734; *Matter of Singer v Windfield*, 125 AD3d 666, 667).

Here, the Family Court properly determined that the mother was precluded from relitigating the issue of arrears for the child's health insurance premiums from 2017 through 2022 allegedly owed by the father, as the mother sought and failed to prove her entitlement to such relief in the prior proceeding (*see* *Matter of Solomon v Solomon*, 231 AD3d at 734).

Accordingly, the Family Court properly denied the mother's objections to the order dated October 1, 2024.

CONNOLLY, J.P., CHRISTOPHER, WAN and QUIRK, JJ., concur.

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