

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Levin v. Barone

No. 18-1307-cv, United States Court of Appeals for the Second Circuit (June 4, 2019)

SUMMARY

Levin v. Barone (2d Cir. 2019) addresses res judicata in the context of enforcing an I-864 Affidavit of Support under the Immigration and Nationality Act. The Second Circuit affirmed summary judgment against the plaintiff, holding that her federal support claim was barred because it arose from the same factual grouping as her prior New York divorce proceeding, where support issues were or could have been litigated. Applying New York's transactional approach to claim preclusion, the court found the I-864 claim could have been raised in state court, as the facts were related in time and motivation, formed a convenient trial unit, and conformed to party expectations.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	Guido Calabresi; Gerard E. Lynch; Raymond J. Lohier, Jr.
JURISDICTION	Federal
DECIDED	June 4, 2019
DOCKET	18-1307-cv
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of the United States District Court for the Southern District of New York (Alison J. Nathan, Judge) granting summary judgment.
PRECEDENTIAL VALUE	unpublished
PARTIES	Eva Levin v. Robert Barone

TOPICS

- res judicata
- summary judgment
- civil procedure
- family law
- dissolution of marriage

PRACTICE AREAS

- Family Law
- Immigration
- Civil Procedure

QUESTIONS PRESENTED

1. Whether Levin's claim to enforce the Form I-864 Affidavit of Support is barred by res judicata because it could have been raised in the prior state court divorce proceeding.

HOLDINGS

1. Levin's Form I-864 claim could have been raised in the state court divorce proceeding, and therefore the claim is barred by res judicata.

KEY QUOTATIONS

“a 'final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in that action.'” (at 2)

“New York law bars 'a later claim arising out of the same factual grouping as an earlier litigated claim even if the later claim is based on different legal theories or seeks dissimilar or additional relief.'” (at 2)

“'[1] whether the facts are related in time, space, origin, or motivation, [2] whether they form a convenient trial unit, and [3] whether their treatment as a unit conforms to the parties' expectations or business understanding or usage.'” (at 2-3)

“'the resolution of all issues relating to the marriage relationship' including all 'important ancillary issues' such as support, to be determined in a single matrimonial action.” (at 4)

FACTUAL BACKGROUND

Eva Levin and Robert Barone were married. Barone initiated a divorce proceeding in New York State court. After a bench trial, the state court entered a judgment of divorce in which it held that Levin would receive no further maintenance from Barone. Levin also had a federal claim to enforce an Affidavit of Support (Form I-864) under the Immigration and Nationality Act, seeking support for the years she lived with, was married to, and was separated from Barone, in addition to future support.

PROCEDURAL HISTORY

The district court granted summary judgment to Barone, dismissing Levin's claim to enforce an Affidavit of Support (Form I-864) under the Immigration and Nationality Act, concluding that the claim was barred by res judicata due to the prior state court divorce proceeding. The district court stayed its action while the divorce was pending in state court, and after the state court entered a judgment of divorce with no further maintenance, the district court dismissed on res judicata grounds.

DISPOSITION

affirmed

CASES CITED

- *Hoblock v. Albany Cty. Bd. of Elections*, 422 F.3d 77, 93 (2d Cir. 2005)
- *Maharaj v. Bankamerica Corp.*, 128 F.3d 94, 97 (2d Cir. 1997)

- Burgos v. Hopkins, 14 F.3d 787, 790 (2d Cir. 1994)
- Xiao Yang Chen v. Fischer, 6 N.Y.3d 94, 100-01 (2005)
- Moody v. Sorokina, 830 N.Y.S.2d 399, 401-02 (4th Dep't 2007)
- Boronow v. Boronow, 71 N.Y.2d 284, 290 (1988)

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