



Details Magazine Article on P. Diddy Case (Peter Galasso featured and quoted throughout)

In our last newsletter, we reported that Sean "P. Diddy" Combs' former flame, Misa Brim, the mother of Combs' 10-year-old son, Justin, took Combs to Court after she learned that Kim Porter, the mother of his 7-year-old son, Christian, was allegedly receiving \$35,000 a month in child support. Peter tried the case before Support Magistrate Carol James, who inexplicably rendered an award that purportedly duplicated the support Combs was paying to Ms. Porter. When interviewed by the New York Post, Peter predicted that the decision would be reversed. As quoted in a New York Post article: **"The decision that was rendered by the Family**



Court is patently unreasonable and has serious legal deficiencies that will very likely be reversed on appeal. How a 700 percent increase in support will ultimately be utilized, in light of the fact that Ms. Brim has herself and two other children to support, is as patently obvious as the decision is patently unreasonable." Details Magazine covered the Combs case as well and fleshed out the

theme Peter propounded at trial:

Bring up elements of the Justin Combs case with Galasso, he responds with fun words like "repugnant," "bogus," "ridiculous," "an absolute joke," and "the pie in the P. Diddy sky." "The kid has been enjoying a very nice standard of living" Galasso says. "He's living in a million-dollar house. He goes to a private school. He's in a gated community. He's got everything that any young kid could want – I mean, beyond that – so any more money that is awarded in this case would probably just spoil a child who's already doing well... You've got a child who's very happy and well-adjusted. Do you give them more money with the constant fear that might change them into a spoiled brat?" Galasso says that what's driving the case is "jealousy about Kim Porter's deal," and he suggests the extra money will go to help Brim raise her other kids. Galasso does concede one thing about the case:

For any dude who's rich and famous enough, it could wind up having nasty ramifications. **"To me, this is going to make case law on whether or not a celebrity child has to have a different yardstick for support than a regular child."** Galasso

says. **"Look, every professional athlete out there, anybody who's making significant numbers, would be threatened by a case like this."** Let the games begin.

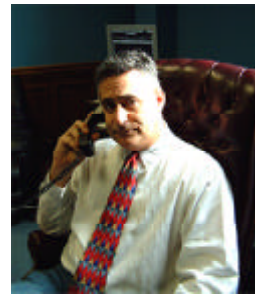
"this is going to make case law on whether or not a celebrity child has to have a different yardstick for support than a regular child."

Fortunately, Peter's prognostication was accurate. In April, the Appellate Division agreed with his arguments and reduced the lower Court's award by more than \$13,000 per month!

Announcements...

In December, 2004, in a Suffolk County wrongful death claim, Jim obtained a \$400,000 settlement on behalf of a surviving husband and adult children based upon a failure to recognize and treat an e-coli bacterial infection. An action remains against the State of New York.

In December 2004, in a Nassau County wrongful death claim, Jim obtained a structured settlement with a payout in excess of \$800,000 on behalf of a surviving wife and two minor children based on a failure to timely diagnose and treat colon cancer.



Also in March 2005, in a Suffolk County negligence action, Jim obtained a \$500,000 settlement on behalf of a disabled Suffolk County woman in a claim involving a defective stairwell condition.

In March 2005, Jim obtained a \$540,000 settlement on behalf of a Suffolk County man, who sustained a serious neck injury in an automobile accident requiring surgery.

New Associate To Join Galasso Langione & Botter, LLP

We are pleased to announce that **Amanda L. Carlson** will be joining our firm as an Associate, upon her graduation this Spring from Hofstra Law School. Amanda L. Carlson is a third year law student at the Hofstra University School of Law where she is the acting President of the Student Bar Association and a staff member of the Journal of International Business and Law. During the summer of 2003, Amanda clerked for the Rhode Island Family Court. Amanda graduated cum laude from the University of Rhode Island in 2002 with a degree in Political Science.

Something Smells Like Marital Waste

As published in The NYSBA Family Law Review, by Peter J. Galasso.

“Wasteful dissipation” is a term commonly used to depict a spouse’s unnecessary or unjustified use of marital money to justify a disproportionate equitable distribution. The problem that Peter Galasso points out in his latest article is the vague and imprecise definition that has been applied to this now-commonly-

“Until an ambitious Appellate Court commits itself to developing a more reliable methodology for sniffing out marital waste, the lower courts can be assured that the litigious will continue to make a stink.”

used phrase when dealing with matrimonial cases.

In its Summer 2004 issue, The Family Law Review published Peter Galasso’s article entitled, “Something Smells Like Marital Waste.” An excerpt from the article is reprinted below: (Note: you can see the article in its entirety on our website: galassolangione.com)

When determining the equitable distribution of marital property, the court is to consider, among other factors, any wasteful dissipation of assets by either spouse. “Wasteful dissipation” (i.e., DRL 236 (B)(5)(d)(11), hereinafter referred to as “Factor 11”) is a term of art that has never been defined with any real precision, however. It can apparently consist of gambling and poor business judgment, as well as other forms of economic misconduct. Given the absence of appellate leadership in establishing a reliable equation to which we practitioners can refer, what may or may not constitute marital waste remains as much a mystery as how that waste will ultimately affect equitable distribution.

Until an ambitious Appellate Court commits itself to developing a more reliable methodology for sniffing out marital waste, the lower courts can be assured that the litigious will continue to make a stink. Conclusion: Attorneys seeking to avoid being a waste of marital funds themselves tend to mine any negative impact on the marital estate that can be traced to the dubious conduct of the other spouse. Hopeful that an adjustment to a client’s equitable entitlement might be sparked by blaming the other spouse for a decline in the overall value of the marital estate, an unpredictable Factor 11 claim all too frequently becomes an opportunity to leverage an outcome on a whim or whiff.

No-Fault Divorce is Long Overdue

As published in The New York Law Journal, by Peter J. Galasso.

High praise to Chief Judge Judith S. Kaye for her ringing endorsement of no-fault divorce (NYLJ, Feb. 8). As every Matrimonial attorney knows, the only reason the issue of fault ever rears its ugly head is to extort from the party eager for a divorce property or income not otherwise available under New York’s equitable distribution and support statutes. The victim of such nefarious tactics tends to hold a grudge, the attorneys who are party to it tend to make more money, and the public at large reaps only the benefit of having two more embittered divorcees roaming the streets.

For Gloria Jacobs of NOW to predict that more matrimonial trials will result once fault is eliminated is specious. Instead, matrimonials will be settled based upon the arithmetic of the case and not a litigant’s ability to paint their soon-to-be ex-spouse as cruel and inhuman with the details of the parties’ acrimony. Name-calling, dredging up potential fault witnesses, or lacing one’s papers with derogatory allegations of a spouse’s malevolence hardly create an atmosphere where fruitful negotiations can be nurtured.

In the end, 49 states have succeeded in advancing civility in their Domestic Relations Laws by eliminating fault. None of those states have recanted nor have any reported that statistically more litigation has resulted from the wisdom of removing from their laws the fault virus. It is about time New York wakes up to the vituperative nonsense that the fault statute has historically perpetrated and prudently joins that 49-state chorus which has already legislatively denounced the practice of leveraging fault to gain an unfair financial windfall.

GLB Makes Purchase and Moves to New Law Offices

In late November of last year, Galasso Langione and Botter not only moved its law offices but purchased their new office condominium as well! Remaining in Garden City, the new location, at 377 Oak Street, is a larger, beautiful space allowing the firm



growth and expansion opportunities, like the upcoming hiring of new associate Amanda Carlson. See picture above and full address and directions on our website (www.galassolangione.com).

About The Firm...

Galasso Langione & Botter, LLP has its law offices at 377 Oak Street, Suite 101, Garden City, NY. It was established in December of 1988 as a litigation firm with emphasis in matters of personal injury, medical malpractice, matrimonial, commercial, and employment law. Recently purchasing and moving to new offices, our main office number has stayed the same: (516) 222-6500 or toll-free at: (800) 640-0392.

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