

Appellate Division, First Judicial Department

VELIN MEZINEV,
Plaintiff-Appellant,

Index No. 300797/16
Case No. 2023-04392

-against-

BERMET TASHYBEKOVA,
Defendant-Respondent.

Velin Mezinev, appellant pro se.

Bermet Tashybekova, respondent pro se.

Judgment, Supreme Court, New York County (Kelly O'Neill Levy, J.) entered January 20, 2023, to the extent appealed from as limited by the briefs, awarding primary physical custody to defendant wife with reasonable visitation access to plaintiff husband, directed the husband to pay continued child support for the parties' unemancipated child in the amount of \$1,708.86 per month until the child's 21st birthday, directed the husband to pay to the wife as and for equitable distribution of marital property in the amount of \$110,524.50, child support arrears in the amount of \$56,013.93, plus any additional child support at \$1,708.86 per month unpaid at entry of judgment, and \$80,000 in additional counsel fees directly to defendant's counsel, unanimously affirmed, without costs.

To the extent plaintiff's appeal seeks to reduce his child support obligation, the proper procedure is to file a motion for downward modification since an order of support has been entered (*see e.g. Amley v Amley*, 198 AD3d 559 [1st Dept 2021]).

Regarding the equitable distribution and counsel fees, we note that they were made in a previous order, which the husband unsuccessfully appealed to this Court, and we see no reason to revisit them. “An appellate court’s resolution of an issue on a prior appeal constitutes the law of the case and is binding on the Supreme Court, as well as on the appellate court and operates to foreclose re-examination of the question absent a showing of subsequent evidence or change of law” (*Carmona v Mathisson*, 92 AD3d 492, 492-493 [1st Dept 2012] [internal quotation marks, ellipsis and brackets omitted]). Given our determinations in *Velin M. v Bermet T.* (220 AD3d 521 [1st Dept 2023]) and *Mezinev v Tashybekova*, (209 AD3d 586 [1st Dept 2022], *lv dismissed* 39 NY3d 1092 [2023]), that Supreme Court lacked jurisdiction over the subject child’s half-sibling living in Bulgaria, and any impediments to plaintiff’s travel were not the province of Supreme Court, we perceive no reason to review plaintiff’s arguments on these issues, as well as the determination made as to the financial decisions.

We have considered plaintiff’s remaining arguments and find them unavailing.

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: April 23, 2024



Susanna Molina Rojas
Clerk of the Court

State of New York
Court of Appeals

*Decided and Entered on the
twenty-first day of November, 2024*

Present, Hon. Rowan D. Wilson, *Chief Judge, presiding.*

Mo. No. 2024-403

Velin Mezhnev,

Appellant,

v.

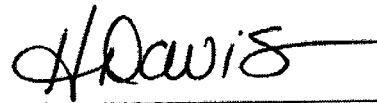
Bermet Tashybekova,

Respondent.

Appellant having moved for leave to appeal to the Court of Appeals in the above
cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is denied.



Heather Davis
Clerk of the Court

State of New York
Court of Appeals

*Decided and Entered on the
sixteenth day of March, 2023*

Present, Hon. Anthony Cannataro, *Acting Chief Judge, presiding.*

Mo. No. 2022-856

Velin Mezinev,
Appellant,

v.

Bermet Tashybekova,
Respondent.

Appellant having moved for leave to appeal to the Court of Appeals in the above
cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is dismissed upon the ground that the order sought to
be appealed from does not finally determine the action within the meaning of the
Constitution.



Lisa LeCours
Clerk of the Court