

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

Webber, J.P., Shulman, Higgitt, Rosado, Hagler, JJ.

5977

MARTHA ELIZALDE MORRISSEY,  
Plaintiff-Appellant,

Index No. 301220/24  
Case No. 2025-01632

-against-

MICHAEL JOSEPH MORRISSEY,  
Defendant-Respondent.

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Martha Elizalde Morrissey, appellant pro se.

Zimmet Law Group P.C., New York (Richard A. Schioppo of counsel), for respondent.

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Order, Supreme Court, New York County (Michael L. Katz, J.), entered on or about January 24, 2025, which denied plaintiff wife’s motion to consolidate a Family Court proceeding pending in New York County with this matrimonial action, and for a renewed award of maintenance and for pendente lite relief, without prejudice to seeking the same relief in a pending matrimonial action between the parties in Supreme Court, Queens County, and granted defendant husband’s cross-motion to dismiss the action pursuant to CPLR 3211(a)(4), unanimously affirmed, without costs.

The husband demonstrated that the Queens County matrimonial action, which was pending at the time the wife commenced this matrimonial action, arose from the same subject matter, sought substantially the same relief, and involved the same parties. Accordingly, Supreme Court providently exercised its “broad discretion” in granting the

husband's cross-motion to dismiss pursuant to CPLR 3211(a)(4) (*Whitney v Whitney*, 57 NY2d 731, 732 [1982]; see *Matter of Pryce v Pryce*, 160 AD3d 965, 966 [2d Dept 2018]).

We have reviewed the wife's remaining contentions and find them unavailing.

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

ENTERED: March 3, 2026

A handwritten signature in black ink, reading "Susanna Molina Rojas". The signature is written in a cursive, flowing style.

Susanna Molina Rojas  
Clerk of the Court