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NY husband demands money for kidney

By FRANK ELTMAN

GARDEN CITY, N.Y. (AP) — Forget fighting over the vintage record collection, or Aunt Betty's prized bauble.

A Long Island surgeon embroiled in a nearly four-year divorce proceeding wants his estranged wife to return the kidney he donated to her, although he says he'll settle for \$1.5 million in compensation.

Dr. Richard Batista, a surgeon at Nassau University Medical Center, told reporters at his lawyer's Long Island office Wednesday that he decided to go public with his demand for kidney compensation because he has grown frustrated with the negotiations with his estranged wife.

He claimed he has been prevented from seeing their children, ages, 8, 11 and 14, for months at a time.

"This is my last resort; I did not want to do this publicly," Batista said.

He said he gave his kidney to Dawnell Batista, now 44, in June 2001. She filed for divorce in July 2005, although he claims she began having an extramarital affair 18 months to two years after receiving the kidney transplant, his attorney, Dominick Barbara said.

Douglas Rothkopf, the attorney representing Dawnell Batista, did not return telephone calls seeking comment.

Matrimonial attorneys were quick to shoot down any possibility Batista would succeed.

"I've been in this business over 40 years and I've never heard of that," said Seymour J. Reisman, a Long Island divorce lawyer. "It's not marital property, not a marital asset you can put a price tag on."

Manhattan attorney Susan Moss said, "The good doctor is out of luck and out a kidney. This is similar to cases where a husband wants to be repaid for the cost of breast implants and the such. Our judges are not willing to value such assets, so to speak."

Batista, 49, said he has no regrets about donating the kidney, only about the failed marriage. The couple was married in 1990 and lived in a million-dollar home in Massapequa. They met while he was working at a hospital and she was training to be a nurse.

He still recalls the day after the surgery took place.

"There is no greater feeling on this planet. As God is my witness, I felt as if I could put my arm around Jesus Christ. It was an unbelievable; I was walking on a cloud.

To this day I would still do it again."