

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D12446
C/mv

_____AD3d_____

Submitted - September 13, 2006

HOWARD MILLER, J.P.
FRED T. SANTUCCI
GLORIA GOLDSTEIN
PETER B. SKELOS
ROBERT J. LUNN, JJ.

2006-03095

DECISION & ORDER

In the Matter of Frank Manfredo, respondent,
v Nerissa Manfredo, appellant.

(Docket No. V-140-06)

Saltzman Chetkof & Rosenberg, LLP, Garden City, N.Y. (Lee Rosenberg of counsel),
for appellant.

Bryan L. Salamone, P.C., Dix Hills, N.Y. (Jay D. Raxenberg of counsel), for
respondent.

Francine H. Moss, Ronkonkoma, N.Y., Law Guardian for the child.

In a child custody proceeding pursuant to Family Court Act article 6, the mother
appeals, as limited by her brief, from so much of an order of the Family Court, Suffolk County
(Lynaugh, J.), dated March 26, 2006, as denied that branch of her motion which was to dismiss the
petition for lack of personal jurisdiction.

ORDERED that on the court's own motion, the notice of appeal is treated as an
application for leave to appeal, and leave to appeal is granted (*see* Family Ct Act § 1112); and it is
further,

ORDERED that the order is reversed insofar as appealed from, on the law, with costs,
and the matter is remitted to the Family Court, Suffolk County, for a hearing to determine whether

October 31, 2006

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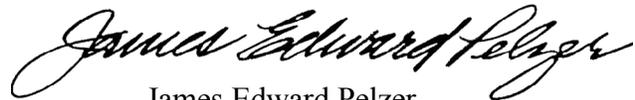
MATTER OF MANFREDO v MANFREDO

personal jurisdiction over the mother was obtained in the proceeding, and for a new determination of that branch of the mother's motion which was to dismiss the petition for lack of personal jurisdiction.

Under the particular facts of this case, a hearing is necessary to determine whether the mother was served with the order to show cause and petition (*see Kingsland Group v Pose*, 296 AD2d 440; *Campbell v Johnson*, 264 AD2d 461).

MILLER, J.P., SANTUCCI, GOLDSTEIN, SKELOS and LUNN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court