

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

D13267  
C/hu

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Argued - November 27, 2006

GABRIEL M. KRAUSMAN, J.P.  
GLORIA GOLDSTEIN  
WILLIAM F. MASTRO  
ROBERT A. SPOLZINO, JJ.

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2005-11901

DECISION & ORDER

Karen Jacobs Lauder, etc., respondent, v Ingrid  
Andersson Jacobs, etc., defendant-appellant;  
Teachers Insurance and Annuity  
Association - College Retirement Equities Fund,  
nonparty-appellant.

(Index No. 11611-04)

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Fred Ehrlich, P.C., New York, N.Y., for defendant-appellant.

Traub Eglin Lieberman Straus, LLP, Hawthorne, N.Y. (Christopher Russo of  
counsel), for nonparty-appellant.

Greenberg & Massarelli, LLP, Purchase, N.Y. (William Greenberg and Crystal  
Massarelli of counsel), for respondent.

In an action, inter alia, to impose a constructive trust over certain assets, (1) the defendant appeals, as limited by her brief, from so much of an order of the Surrogate's Court, Westchester County (Scarpino, S.), dated November 10, 2005, as, upon consolidating this action with a discovery proceeding between the same parties pending in the Surrogate's Court, Westchester County, directed her and the nonparties, Teachers Insurance and Annuity Association - College Retirement Equities Fund and Merrill Lynch, to notify the plaintiff and the court in writing of individual withdrawals in excess of \$2,500 and/or aggregate withdrawals in excess of \$25,000 made by her from accounts maintained by Teachers Insurance and Annuity Association - College Retirement Equities Fund and Merrill Lynch, and (2) the Teachers Insurance and Annuity Association - College Retirement Equities Fund separately appeals from so much of the same order as imposed the notification requirement upon it.

December 26, 2006

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ORDERED that the order is affirmed insofar as appealed from, with one bill of costs.

Contrary to the appellants' contentions, the Surrogate's Court did not impermissibly interfere with the defendant's use of the subject funds or improvidently exercise its broad discretion under the circumstances of this case by directing them to notify the plaintiff and the court of individual and/or aggregate withdrawals in certain amounts made by the defendant from the investment accounts which are at issue in this case (*see generally* SCPA 201[3]; *Matter of Stuart*, 261 AD2d 550).

KRAUSMAN, J.P., GOLDSTEIN, MASTRO and SPOLZINO, 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