

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

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Submitted - November 15, 2007

DAVID S. RITTER, J.P.  
ANITA R. FLORIO  
HOWARD MILLER  
MARK C. DILLON, JJ.

2007-02803

DECISION & ORDER

Orit Swickle, appellant, v Marc Swickle,  
respondent.

(Index No. 202886/06)

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Jeffrey S. Schechter & Associates, P.C., Garden City, N.Y. (Lauren B. Kurland and  
Bryce R. Levine of counsel), for appellant.

Sari M. Friedman, P.C., Garden City, N.Y. (Christal S. Prinz of counsel), for  
respondent.

In an action for a divorce and ancillary relief, the plaintiff appeals, as limited by her  
brief, and by her letter dated September 6, 2007, from so much of an order of the Supreme Court,  
Nassau County (Stack, J.), dated February 9, 2007, as directed the defendant to pay pendente lite  
maintenance in the sum of only \$2,500 per month and pendente lite child support in the sum of only  
\$500 per month, and awarded her an attorney's fee in the sum of only \$5,000.

ORDERED that the order is affirmed insofar as appealed from, without costs or  
disbursements.

The purpose of a pendente lite award is to "tide over the more needy party" (*Jordan  
v Jordan*, 2 AD3d 687, 688). A pendente lite award of support should reflect an accommodation  
between the reasonable needs of the moving spouse and the financial ability of the other spouse with  
due regard for the parties' pre-separation standard of living (*see Miller v Miller*, 24 AD3d 521, 521;  
*Bogannam v Bogannam*, 20 AD3d 442). Modifications of pendente lite maintenance and child  
support should rarely be made by an appellate court, and then only under exigent circumstances, such

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as when a party is unable to meet his or her financial obligations, or when justice otherwise requires (*see DeVerna v DeVerna*, 4 AD3d 323; *Aliano v Aliano*, 285 AD2d 522; *Piali v Piali*, 247 AD2d 455, 456). Consequently, any perceived inequities in pendente lite support and maintenance can best be remedied by a speedy trial, at which the parties' financial circumstances can be fully explored (*see Susskind v Susskind*, 18 AD3d 536, 537; *Najac v Najac*, 12 AD3d 579, 579). The plaintiff failed to establish that the pendente lite awards for maintenance and child support were inadequate.

The Supreme Court also did not improvidently exercise its discretion in awarding an attorney's fee of \$5,000 (*see Domestic Relations Law* § 237[a]; *Bogannam v Bogannam*, 20 AD3d at 442).

RITTER, J.P., FLORIO, MILLER and DILLON, 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