

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

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Submitted - April 25, 2008

STEVEN W. FISHER, J.P.
FRED T. SANTUCCI
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2007-08692

DECISION & ORDER

In the Matter of Lucia Vescio, respondent, v
Ennio Vescio, appellant.

(Docket Nos. V-02686-96, V-02687-96, V-02688-96)

Fass & Greenberg, Garden City, N.Y. (Florence M. Fass and John Whiteman of counsel), for appellant.

Mastroianni & Mastroianni, Westbury, N.Y. (Tomasina Mastroianni of counsel), for respondent.

Eileen T. Stapleton, Levittown, N.Y., attorney for the children.

In a child custody proceeding pursuant to Family Court Act article 6, the father appeals from so much of an order of the Family Court, Nassau County (Eisman, J.), dated August 7, 2007, as, upon the mother's petition to modify a prior order of the same court (Koenig, J.) dated April 30, 1998, awarding the parties joint legal and physical custody of their children upon certain conditions, vacated the prior order.

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

Under the highly unusual circumstances of this case, most particularly the length of time the parties have lived together since the Family Court issued its April 30, 1998, order, the Family Court properly vacated it.

FISHER, J.P., SANTUCCI, BALKIN and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 3, 2008

MATTER OF VESCIO v VESCIO