

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

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_____AD3d_____

Submitted - June 22, 2009

ROBERT A. SPOLZINO, J.P.
PETER B. SKELOS
MARK C. DILLON
JOSEPH COVELLO, JJ.

2008-02647

DECISION & ORDER

Frank Cervera, appellant, v Rossanna Bressler,
respondent.

(Index No. 8683/97)

Frank Cervera, Westtown, N.Y., appellant pro se.

Dewbury and Associates, Carmel, N.Y. (Dori-Ellen S. Feltman of counsel), for
respondent.

In a matrimonial action in which the parties were divorced by judgment dated February 21, 2001, the plaintiff appeals from an order of the Supreme Court, Westchester County (Lubell, J.), entered March 18, 2008, which granted the defendant's motion to hold him in contempt of two previous orders directing him to pay one-half of the forensic evaluator's fees.

ORDERED that the order is reversed, on the law, without costs or disbursements, and the motion is denied.

As the mother, in effect, concedes, the order finding the father in contempt of court for not paying his allotted 50% share of the forensic evaluator's fees must be reversed in light of this Court's decision and order dated April 15, 2008 (*see Cervera v Bressler*, 50 AD3d 837), inter alia, mandating a hearing to determine the relative financial circumstances of the parties and, based on the

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outcome of that hearing, to reapportion the parties' payment obligations regarding fees for the forensic evaluator and attorney for the child.

SPOLZINO, J.P., SKELOS, DILLON and COVELLO, 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