

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

D28879
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_____AD3d_____

Argued - October 15, 2010

WILLIAM F. MASTRO, J.P.
STEVEN W. FISHER
JOHN M. LEVENTHAL
ARIEL E. BELEN, JJ.

2010-00628

DECISION & ORDER

In the Matter of Charles McIvor Kotsonis, respondent, v
Kalliopi Notias, appellant.

(Docket Nos. V-394-07, V-395-07)

Katsandonis, P.C., New York, N.Y. (John Katsandonis of counsel), for appellant.

Steven S. London, Brooklyn, N.Y., for respondent.

Karen P. Simmons, Brooklyn, N.Y. (Janet Neustaetter and Barbara H. Dildine of
counsel), attorney for the child.

In related custody and visitation proceedings pursuant to Family Court Act article 6, the mother appeals, as limited by her brief, from so much of an order of the Supreme Court, Kings County (Morgenstern, J.), dated November 18, 2009, as, without a hearing, granted the father's application for an award of interim counsel fees to the extent of awarding the father the sum of \$2,500 in interim counsel fees.

ORDERED that the order is affirmed insofar as appealed from, with costs to the respondent.

The Supreme Court awarded the father the sum of \$2,500 in interim counsel fees upon his application for counsel fees in the sum of \$8,000. The Supreme Court properly awarded the father counsel fees, without a hearing, incurred as a result of the mother's failure to abide by prior

November 3, 2010

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court orders (*see* Domestic Relations Law § 237[b]; *Johnson v Chapin*, 12 NY3d 461, 467; *DeSouza-Brown v Brown*, 71 AD3d 946, 947; *Powers v Wilson*, 56 AD3d 639, 640; *Rodman v Friedman*, 33 AD3d 400, 400-401; *Bengard v Bengard*, 5 AD3d 340, 341; *cf.* Domestic Relations Law § 237[c]; *Yeager v Yeager*, 38 AD3d 534, 535).

MASTRO, J.P., FISHER, LEVENTHAL and BELEN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive, slightly slanted style.

Matthew G. Kiernan
Clerk of the Court