

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

D33374
H/prt

_____AD3d_____

Argued - December 6, 2011

REINALDO E. RIVERA, J.P.
RANDALL T. ENG
SHERI S. ROMAN
SANDRA L. SGROI, JJ.

2011-04645

DECISION & ORDER

Howard Nash, respondent, v
Elizabeth Yablon-Nash, appellant.

(Index No. 44784/03)

Ramo, Nashak, Brown & Garibaldi LLP, Glendale, N.Y. (Gregory J. Brown of
counsel), for appellant.

Howard Nash, Great Neck, N.Y., respondent pro se.

In a matrimonial action in which the parties were divorced by judgment entered March 20, 1996, the defendant former wife appeals from an order of the Supreme Court, Kings County (Prus, J.), dated December 22, 2010, which, in effect, granted that branch of the plaintiff former husband's motion which was to direct her to comply with the terms of visitation concerning the parties' son contained in an order of the same court dated December 7, 2006.

ORDERED that the order dated December 22, 2010, is reversed, on the law, with costs, and that branch of the plaintiff former husband's motion which was to direct the defendant former wife to comply with the terms of visitation concerning the parties' son contained in an order dated December 7, 2006, is denied.

The Supreme Court erred by, in effect, granting that branch of the plaintiff former husband's motion which was to direct the defendant former wife to comply with the terms of visitation concerning the parties' son contained in an order dated December 7, 2006. The subject child was over the age of 18 by the time of the motion and, thus, was no longer a minor subject to an order directing visitation (*see Matter of Weinschneider v Weinschneider*, 73 AD3d 1194; *Matter*

of Jeffers v Hicks, 67 AD3d 800, 801).

The defendant's remaining contention is without merit.

RIVERA, J.P., ENG, ROMAN and SGROI, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court