

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

D34091
H/mv

_____AD3d_____

Submitted - January 31, 2012

MARK C. DILLON, J.P.
ANITA R. FLORIO
CHERYL E. CHAMBERS
PLUMMER E. LOTT, JJ.

2011-03457

DECISION & ORDER

Pamela Flink, respondent-appellant,
v Stephen Flink, appellant-respondent.

(Index No. 202176/10)

Hopkins & Kopilow, Garden City, N.Y. (Stanley R. Kopilow of counsel), for
appellant-respondent.

Leonard R. Sperber, Garden City, N.Y., for respondent-appellant.

In an action for a divorce and ancillary relief, the defendant appeals, as limited by his
brief, from so much of an order of the Supreme Court, Nassau County (Bruno, J.), dated March 8,
2010, as directed him to pay pendente lite maintenance in the sum of \$600 per week and pendente
lite child support in the sum of \$574.75 per week, and the plaintiff cross-appeals from the same
order.

ORDERED that the cross appeal is dismissed as abandoned; and it is further,

ORDERED that the order is affirmed insofar as appealed from; and it is further,

ORDERED that one bill of costs is awarded to the plaintiff.

“Modifications of pendente lite awards should rarely be made by an appellate court
and then only under exigent circumstances, such as when a party cannot meet his or her financial
obligations” (*Avello v Avello*, 72 AD3d 850, 852). Perceived inequities in a pendente lite order can

best be remedied by a speedy trial at which the parties' financial circumstances can be fully explored (*see Palmeri v Palmeri*, 87 AD3d 572). Here, the defendant has demonstrated no basis upon which to modify the award of temporary maintenance to the plaintiff (*id.*).

The defendant's remaining contentions are without merit.

The cross appeal must be dismissed as abandoned, as the plaintiff does not seek in her brief reversal or modification of any portion of the order (*see Ferri v Ferri*, 71 AD3d 949, 950).

DILLON, J.P., FLORIO, CHAMBERS and LOTT, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court