

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

D57636  
G/htr

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - September 4, 2018

CHERYL E. CHAMBERS, J.P.  
LEONARD B. AUSTIN  
SHERI S. ROMAN  
ANGELA G. IANNACCI, JJ.

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2016-02842

DECISION & ORDER

Hannah Lieberman, respondent, v Adam Lieberman,  
appellant.

(Index No. 53429/09)

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The Edelsteins Faegenburg & Brown, LLP, New York, NY (Adam Edelstein and  
Louis A. Badolato of counsel), for appellant.

In a matrimonial action, the defendant appeals from an order of the Supreme Court, Kings County (Eric I. Prus, J.), dated March 1, 2016. The order, insofar as appealed from, denied the defendant’s motion to vacate so much of an order of the same court dated February 9, 2015, as, sua sponte, directed the defendant “not to disseminate personal information regarding the plaintiff to any non-party other than in the course of professional, therapeutic, or medical treatment.”

ORDERED that the order is reversed insofar as appealed from, on the law, with costs, and the defendant’s motion is granted.

The parties were divorced in May 2011, and the defendant was subsequently awarded sole legal and physical custody of the parties’ children. In December 2014, the plaintiff moved, inter alia, to hold the defendant in contempt of court. In an order dated February 9, 2015, the Supreme Court denied the motion, and, sua sponte, directed the defendant “not to disseminate personal information regarding the plaintiff to any non-party other than in the course of professional, therapeutic, or medical treatment,” as such disclosure was not in the best interests of the children (hereinafter the nondissemination provision). The defendant moved to vacate the nondissemination provision, and the court denied his motion.

We disagree with the Supreme Court’s denial of the defendant’s motion to vacate (*see Matter of Sepulveda v Perez*, 90 AD3d 1057; *Matter of Anonymous v Anonymous*, 203 AD2d 283).

December 19, 2018


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There is insufficient evidence in the record to demonstrate that the nondissemination provision in the February 9, 2015, order was necessary to insure the children's best interests (*see Matter of Sepulveda v Perez*, 90 AD3d at 1059). In any event, the nondissemination provision was not narrowly tailored to achieve that end (*see Children's Vil. v Greenburgh Eleven Teachers' Union Fedn. of Teachers, Local 1532*, 258 AD2d 610, 612).

CHAMBERS, J.P., AUSTIN, ROMAN and IANNACCI, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court