

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CA 24-00996

PRESENT: CURRAN, J.P., BANNISTER, SMITH, DELCONTE, AND HANNAH, JJ.

MELINDA SCHWARTZ, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

DANIEL A. SCHWARTZ, DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

BENNETT SCHECHTER ARCURI & WILL LLP, BUFFALO (PAUL A. VANCE OF COUNSEL), FOR DEFENDANT-APPELLANT.

RUPP PFALZGRAF LLC, BUFFALO (MICHAEL J. COLLETTA OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

PETER P. VASILION, WILLIAMSVILLE, ATTORNEY FOR THE CHILD.

MELISSA A. CAVAGNARO, BUFFALO, ATTORNEY FOR THE CHILD.

Appeal from an order of the Supreme Court, Erie County (Catherine R. Nugent Panepinto, J.), entered October 17, 2023. The order, insofar as appealed from, directed the parties to destroy or delete any audio, digital, electronic or other similar media recording of any discussions between a minor child in the matter and her attorney and precluded the use of such information.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same memorandum as in *Schwartz v Schwartz* ([appeal No. 2] – AD3d – [May 2, 2025] [4th Dept 2025]).

Entered: May 2, 2025

Ann Dillon Flynn
Clerk of the Court