

Gaffney-Romanello v Romanello
2011 NY Slip Op 01970
Decided on March 15, 2011
Appellate Division, Second Department
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Decided on March 15, 2011

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND JUDICIAL DEPARTMENT
DANIEL D. ANGIOLILLO, J.P.
ANITA R. FLORIO
JOHN M. LEVENTHAL
ROBERT J. MILLER, JJ.

2010-00928
(Index No. 21508/07)

[*1]Erin P. Gaffney-Romanello, respondent,

v

Salvatore Jude Romanello, appellant.

Reynolds, Caronia, Gianelli, Hagney & La Pinta, LLP,
Hauppauge, N.Y. (Scott J. Kreppin of counsel), for appellant.
Vessa & Wilensky, P.C., Uniondale, N.Y. (Michael P. Vessa
of counsel), for respondent.

DECISION & ORDER

In an action for a divorce and ancillary relief, the defendant appeals, as limited by his brief, from stated portions of an order of the Supreme Court, Suffolk County (Blydenburgh, J.), dated December 14, 2009, which, inter alia, granted that branch of the plaintiff's motion which was for an award of interim counsel fees in the sum of \$40,000 to the extent of awarding the plaintiff the sum of \$20,000.

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

"An award of interim counsel fees ensures that the nonmonied spouse will be able to litigate the action, and do so on equal footing with the monied spouse" (*Prichep v Prichep*, [52 AD3d 61](#), 65; see *O'Shea v O'Shea*, 93 NY2d 187, 193; *Meltzer v Meltzer*, [63 AD3d 702](#), 703; *Wald v Wald*, [44 AD3d 848](#), 850). Unlike a final award of counsel fees, a detailed inquiry or evidentiary hearing is not required prior to the award of interim counsel fees (see *Isaacs v Isaacs*, [71 AD3d 951](#); *Prichep v Prichep*, 52 AD3d at 65). Here, based on the apparent disparity in the parties' relative financial positions, the Supreme Court did not improvidently exercise its discretion in awarding interim counsel fees to the plaintiff (see Domestic Relations Law § 237[a]; *Rosenbaum v Rosenbaum*, [55 AD3d 713](#), 714; *Prichep v Prichep*, 52 AD3d at 65-66).

The defendant's remaining contentions are without merit.

ANGIOLILLO, J.P., FLORIO, LEVENTHAL and MILLER, JJ., concur.

ENTER:

Matthew G. Kiernan [*2]

Clerk of the Court

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