

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

Neimark v. Lefferts

2026 NY Slip Op 00380 (N.Y. Ct. App. 2026) · No. 2023-07103 · Decided January 28, 2026

SUMMARY

The Appellate Division, Second Department affirmed an order enforcing a divorce-settlement provision requiring the plaintiff to pay summer camp expenses for the parties' youngest child. The court held that the later settlement did not prevent the Supreme Court from deciding the issue and that the defendant's attempts to discuss the camp selection, coupled with the plaintiff's failure to respond, did not relieve him of his contractual obligation.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Barry E. Warhit, J.; Lillian Wan, J.; Phillip Hom, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	January 28, 2026
DOCKET	2023-07103
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Supreme Court, Rockland County, granting the defendant's motion to enforce a provision of the parties' stipulation of settlement requiring the plaintiff to pay the youngest child's summer camp expenses.
PRECEDENTIAL VALUE	published
PARTIES	Marshall A. Neimark v. Joy Lefferts

TOPICS

- family law procedure
- divorce
- contract interpretation
- appellate procedure

PRACTICE AREAS

- family law
- contracts
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court improperly decided the defendant's application to enforce the summer-camp provision because the parties' 2023 stipulation allegedly required them to attempt to resolve the issue before the court ruled.
2. Whether the plaintiff was relieved of his contractual obligation to pay the youngest child's summer camp expenses because the defendant allegedly failed to adequately discuss the matter with him.

HOLDINGS

1. The Supreme Court properly decided the defendant's enforcement application because the record did not show that she withdrew it, and the 2023 stipulation expressly excluded the 2023 summer-camp issue from the matters resolved by that stipulation.
2. The plaintiff was not relieved of his contractual obligation to pay the youngest child's summer camp expenses merely because the defendant did not adequately discuss the matter with him.

KEY QUOTATIONS

“The parties agree that the . . . terms and conditions [of the 2023 stipulation] resolve the outstanding applications pending before the Court, with the exception of the 2023 Summer Camp.” ([*1])

“Under the circumstances presented here, the plaintiff was not relieved of his contractual obligation to pay for the summer camp expenses for the youngest child on the ground that the defendant did not adequately discuss the matter with him” ([*2])

FACTUAL BACKGROUND

The parties married in 2001, had three children, and were divorced by judgment entered May 16, 2014. Their 2013 stipulation required the plaintiff to pay all summer camp expenses for the children, subject to mutual discussion and agreement and, in the event of impasse, a final selection by the defendant based on specified factors. In 2023, the defendant sought enforcement of that provision as to the youngest child, and the record showed that she attempted to discuss the matter with the plaintiff, who failed to respond to those attempts but discussed it with her attorney.

PROCEDURAL HISTORY

The parties were divorced in 2014, and their 2013 stipulation of settlement was incorporated but not merged into the judgment of divorce. In 2023, both parties sought relief concerning the stipulation and judgment; the plaintiff withdrew his motion, and the parties entered into a further stipulation resolving all remaining issues except enforcement of the summer-camp provision. The Supreme Court granted the defendant's request to enforce that provision, and the plaintiff appealed.

DISPOSITION

affirmed

CASES CITED

- Matter of VanBeers v VanBeers, 129 AD3d 1095
- Matter of Parker v Parker, 74 AD3d 1076, 1077

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