

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, FIRST DEPARTMENT

Roberson-Fisch v. Fisch

Roberson-Fisch, 2026 NY Slip Op 02476 (Appellate Division of the Supreme Court of the State of New York First Department 2026) · No. Index No. 365061/22; Appeal No. 6451; Case No. 2025-05741 · Decided April 23, 2026

SUMMARY

The Appellate Division, First Department modified an order holding the wife in contempt for failing to comply with a prior order concerning transfer of funds. The court vacated the contempt finding because the prior order lacked a clear deadline and the contempt order did not make the required findings regarding prejudice to the husband's rights or remedies.

OPINION

Roberson-Fisch v. Fisch 2026 NY Slip Op 02476
PER CURIAM.

Roberson-Fisch v Fisch - 2026 NY Slip Op 02476 skip to main content

It appears you are using Adblock. Please disable Adblock to best experience our website.

Law Reporting Bureau Home PageLaw Reporting Bureau

Thomas J.K. Smith, State Reporter

Court Decisions
Resources About

HomeAll Court DecisionsDecisions

Roberson-Fisch v Fisch

2026 NY Slip Op 02476

April 23, 2026

Appellate Division, First Department

Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.

This decision is uncorrected and subject to revision before publication in the Official Reports.

Laura Roberson-Fisch, Plaintiff-Appellant,

v

Michael Fisch, Defendant-Respondent.

Decided and Entered: April 23, 2026

Index No. 365061/22|Appeal No. 6451|Case No. 2025-05741|

Before: Scarpulla, J.P., Friedman, Gesmer, Shulman, Chan, JJ.

Mosberg Sharma Stambleck Gross LLP, New York (Jonathan W. Wolfe of counsel), for appellant.

Cohen Clair Lans Greifer & Simpson LLP, New York (Robert Stephen Cohen of counsel), for respondent.

Order, Supreme Court, New York County (Jeffrey H. Pearlman, J.), entered on or about August 26, 2025, which, to the extent appealed from as limited by the briefs, granted defendant's motion and held plaintiff in contempt for her failure to comply with this Court's order

dated March 20, 2025 (*Roberson-Fisch v Fisch*, 236 AD3d 554 [1st Dept 2025], *lv* dismissed *44* NY3d 1075 [2026]), unanimously modified, on the law, the motion denied, the finding of contempt vacated, and otherwise affirmed, without costs.

Although the contempt has been purged, the appeal is not moot because the adjudication itself may carry potential enduring consequences (*see Behan v Kornstein*, 164 AD3d 1113, 1116 [1st Dept 2018], *lv* denied and dismissed *32* NY3d 1078 [2018]; *Matter of April G. v Duane M.*, 105 AD3d 491, 491 [1st Dept 2013]).

The court's determination holding the wife in contempt was an improvident exercise of discretion for two reasons. First, this Court's March 20, 2025 order did not specify any deadline for transferring the funds and therefore lacked the clear and unequivocal mandate required to support a civil contempt finding (*see Spathis v Spathis*, 174 AD3d 407, 408 [1st Dept 2019]; *Matter of Lipsig [Manus]*, 139 AD3d 600, 601 [1st Dept 2016]; *Monaco v Monaco*, 116 AD3d 452, 453 [1st Dept 2014]; *Matter of Serena W. [Daniels-Wiltshire]*, 218 AD3d 597, 599 [2d Dept 2023]). Second, the motion court order finding the wife in contempt did not make the required finding that the wife's conduct was calculated to or actually did defeat, impair, impede, or prejudice the rights or remedies of the husband (*see* Judiciary Law § 753[A][3]; *Legacy Org., Inc. v Nomellini*, 221 AD3d 487, 488 [1st Dept 2023]; *Clinton Corner H.D.F.C. v Lavergne*, 279 AD2d 339, 341 [1st Dept 2001]), and did not make a recital to that effect (*see* Judiciary Law § 770; *Farkas v Farkas*, 209 AD2d 316, 319 [1st Dept 1994]).

THIS CONSTITUTES THE DECISION AND ORDER

OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: April 23, 2026

Court Decisions

All Court Decisions Official Reports Service Bound Volumes Decision Search

Resources

RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index

About

About the Law Reporting Bureau About our Operations Contact Us Twitter

Quick Contact Info

17 Lodge Street

Albany, NY 12207

Phone: (518) 453-6900

Links to or from other sites do not signify endorsement or relationship with them.