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May 10, 1999

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Norman Rosen, Esq.  
Previte Farber & Rosen, P.C.  
97-77 Queens Boulevard, Suite 1004  
Rego Park, New York 11374

Re: Renzulli v. Renzulli  
Docket No. V-00587/99, V-00588/99

Dear Mr. Rosen:

Enclosed please find Judge Radin's explicit grant of custody to me on page 2 of the Hearing Transcript, dated September 18, 1996, to wit: "I might add, there is no issue of custody; custody has been afforded to the wife." (emphasis added)

The Decision handed down by Judge Radin, Index No. 5338/93 appended to the Amended Supplemental Judgment of Divorce, dated June 25, 1997 states on page 1, "Plaintiff (mother) is the custodial parent..." Also on page 1, Defendant is described as "the non-custodial father." On page 3 Judge Radin again includes language referring to "child support payable by defendant to plaintiff as the custodial parent." On page 4 Judge Radin again refers to plaintiff as the custodial parent in three instances. On page 5 Judge Radin refers to plaintiff as the custodial parent in two instances. On page 6 Judge Radin refers to plaintiff as "the custodial parent." On page 7 Judge Radin refers to plaintiff as "the custodial parent." See enclosed copy of said Decision.

As the attorney of record on the appeal defendant brought challenging the way in which child support was calculated by Judge Radin, surely you were well aware of the fact that Judge Radin heard and determined an action for divorce, custody, child support, equitable distribution and counsel fees as stated by Judge Radin in his opening remarks on September 18, 1996. Surely, you are aware that custody was uncontroverted, hence on September 18, 1996 after three years since the commencement of the action, Judge Radin was heard to declare..."there is no issue of custody; custody has been afforded to the wife."

Can we now all put to rest the false issue that Judge Radin failed to address custody?

Very truly yours,

Nora Drew Renzulli, Esq.

cc: Richard D. Katz, Esq.  
Law Guardian

P. Exhibit D (4/28/00)