

9

MEMORANDUM DECISION

**SUPREME COURT - STATE OF NEW YORK
COUNTY OF NASSAU - PART 19**

**Present: HON. WILLIAM R. LaMARCA
Justice**

**In the Matter of the Application of
RUSSELL ETHAN NEUBERGER ,**

**Motion Sequence #001
Submitted August 13, 2007**

an infant by MICHAEL MAIO, his father

Petitioner,

INDEX NO: 13519/07

For leave to Change His Name to:

RUSSELL ETHAN MAIO,

The following papers were read on this motion:

Notice of Petition1

Petitioner, RUSSELL ETHAN NEUBERGER, by his father MICHAEL MAIO, petitions the Court, pursuant to Article 6 of the Civil Rights Law, for an order changing the name of RUSSELL ETHAN NEUBERGER, an infant, to RUSSELL ETHAN MAIO. An Affidavit of Service reflects that the mother of said infant, JOYCE NEUBERGER, was personally served with the instant application on August 2, 2007, but no papers are submitted in opposition to the petition, which is determined as follows:

MICHAEL MAIO submits documentary evidence that he is the joint custodial parent of RUSSELL ETHAN NEUBERGER, pursuant to an Order of Custody and Visitation of the Suffolk County Family Court, dated February 16, 2005. RUSSELL resides at 11 Andrew

Avenue, Islip Terrace, New York and is presently age five (5) having been born on September 15, 2002. MAIO states that the child was born out of wedlock and that it will be in the child's best interests to change his name to the paternal surname to avoid confusion regarding his paternity and to reinforce the infant's legitimacy, thus preventing future embarrassment, distress and stigma. Petitioner states that the proposed name change will allow RUSSELL to face the future with greater ease and comfort and preserve his sense of identity and allow the bond of love and affection between the Father and infant to grow. There being no opposition, it appears to the Court that petitioner is entitled to the requested relief and the petition is granted.

The Court hereby refers the proposed order/judgment to the Clerk's office for review and, if found to be in accordance with this decision, same will be signed.

Dated: October 29, 2007

TO: Kelly & Labeck, PC
Attorneys for Petitioner
100 West Park Avenue
Long Beach, NY 11561

neuberger-to-maio,#01/memodoc


WILLIAM R. LaMARCA, J.S.C.

ENTERED

NOV 02 2007

**NASSAU COUNTY
COUNTY CLERK'S OFFICE**