

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CAF 11-01213

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, SCONIERS, AND GORSKI, JJ.

IN THE MATTER OF GARY A. NIKIEL,
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

PATRICIA ORZECH, RESPONDENT-APPELLANT.
(APPEAL NO. 2.)

KUSTELL LAW GROUP, LLP, BUFFALO (CARL B. KUSTELL OF COUNSEL), FOR
RESPONDENT-APPELLANT.

MCCREADY & TODARO, BUFFALO (MAUREEN A. MCCREADY OF COUNSEL), FOR
PETITIONER-RESPONDENT.

FRANCINE E. MODICA, ATTORNEY FOR THE CHILD, TONAWANDA, FOR HANNAH G.N.

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, A.J.), entered July 14, 2010 in a proceeding pursuant to Family Court Act article 6. The order denied the motion of Patricia Orzech to reopen trial testimony.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same Memorandum as in *Matter of Orzech v Nikiel* (___ AD3d ___
[Jan. 31, 2012]).

Entered: January 31, 2012

Frances E. Cafarell
Clerk of the Court