

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

**1165**

**CAF 16-01541**

PRESENT: WHALEN, P.J., CENTRA, LINDLEY, TROUTMAN, AND WINSLOW, JJ.

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IN THE MATTER OF RACHEL A. MONTALBANO,  
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

GREGORY F. BABCOCK, RESPONDENT-APPELLANT.  
(APPEAL NO. 1.)

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DAVIS LAW OFFICE, PLLC, OSWEGO (STEPHANIE N. DAVIS OF COUNSEL), FOR  
RESPONDENT-APPELLANT.

D.J. & J.A. CIRANDO, ESQS., SYRACUSE (ELIZABETH deV. MOELLER OF  
COUNSEL), FOR PETITIONER-RESPONDENT.

COURTNEY S. RADICK, ATTORNEY FOR THE CHILD, OSWEGO.

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Appeal from an order of the Family Court, Oswego County (Thomas Benedetto, R.), entered July 12, 2016 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner sole legal custody of the subject child.

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

Same memorandum as in *Matter of Montalbano v Babcock* ([appeal No. 2] \_\_\_ AD3d \_\_\_ [Nov. 17, 2017]).

Entered: November 17, 2017

Mark W. Bennett  
Clerk of the Court