

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

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CAF 14-00524

PRESENT: SMITH, J.P., CARNI, LINDLEY, AND DEJOSEPH, JJ.

IN THE MATTER OF WILLIAM A. WARREN,
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

GEORGE E. HIBBS, RESPONDENT-RESPONDENT.

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

CARA A. WALDMAN, FAIRPORT, FOR RESPONDENT-RESPONDENT.

ANNE S. GALBRAITH, ATTORNEY FOR THE CHILD, CANANDAIGUA.

Appeal from an order of the Family Court, Yates County (W. Patrick Falvey, J.), entered December 20, 2013 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition without prejudice.

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

Memorandum: Petitioner appeals from an order that, inter alia, dismissed without prejudice his petition seeking a modification of a prior order of custody and visitation. While this appeal was pending, Family Court entered an order upon the consent of the parties that resolved, among other things, custody and visitation issues with respect to the subject child, thereby rendering this appeal moot (see *Matter of Salo v Salo*, 115 AD3d 1368, 1368; *Matter of Walker v Adams*, 31 AD3d 1018, 1018). We conclude that the exception to the mootness doctrine does not apply (see generally *Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714-715).

Entered: February 5, 2016

Frances E. Cafarell
Clerk of the Court