

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

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CAF 18-00541

PRESENT: SMITH, J.P., PERADOTTO, CARNI, LINDLEY, AND TROUTMAN, JJ.

IN THE MATTER OF JAMIE CULLOP,
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

JASON MILLER, RESPONDENT-RESPONDENT.

SCOTT T. GODKIN, UTICA, FOR PETITIONER-APPELLANT.

MICHAEL JOHNSON, UTICA, FOR RESPONDENT-RESPONDENT.

PETER J. DIGIORGIO, JR., UTICA, ATTORNEY FOR THE CHILD.

Appeal from an order of the Family Court, Oneida County (James R. Griffith, J.), entered March 13, 2018 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition.

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

Memorandum: In this proceeding pursuant to Family Court Act article 6, petitioner mother appeals from an order dismissing her petition seeking permission to relocate with the subject child from Oneida County to Onondaga County where, she proposed, they would live with a registered sex offender who had been convicted of sexually abusing a child. While this appeal was pending, Family Court entered a subsequent order that transferred primary physical residence of the subject child from the mother to respondent father. Inasmuch as the primary physical residence of the subject child is no longer with the mother, "any corrective measures which this Court might have taken with respect to the order appealed from would have no practical effect" (*Matter of Lateesha J.*, 252 AD2d 503, 503 [2d Dept 1998]; see *Matter of Jaxsin L. [Heather L.]*, 124 AD3d 1398, 1399 [4th Dept 2015]; *Matter of Tyler C. [Andrea G.]*, 82 AD3d 1093, 1094 [2d Dept 2011]). We therefore conclude that the subsequent order renders this appeal moot (see *Matter of Warren v Hibbs*, 136 AD3d 1306, 1306 [4th Dept 2016], *lv denied* 27 NY3d 909 [2016]; *Matter of Salo v Salo*, 115 AD3d 1368, 1368 [4th Dept 2014]), and we further conclude that the exception to the mootness doctrine does not apply (see generally *Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714-715 [1980]). Consequently, we dismiss the appeal (see *Matter of Pugh v Richardson*, 138 AD3d 1423, 1423-1424 [4th Dept 2016]; *Jaxsin L.*, 124 AD3d at 1399; *Matter of Alexander M. [Michael M.]*, 83 AD3d 1400, 1401 [4th Dept

2011], *lv denied* 17 NY3d 704 [2011]).

Entered: June 7, 2019

Mark W. Bennett
Clerk of the Court