

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

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CA 18-01059

PRESENT: WHALEN, P.J., SMITH, CARNI, CURRAN, AND TROUTMAN, JJ.

IN THE MATTER OF STATE OF NEW YORK,
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

DANIEL J., RESPONDENT-APPELLANT.
(APPEAL NO. 2.)

PAUL B. WATKINS, FAIRPORT, FOR RESPONDENT-APPELLANT.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (JONATHAN D. HITSOUS OF
COUNSEL), FOR PETITIONER-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, A.J.), dated April 17, 2018 in a proceeding pursuant to Mental Hygiene Law article 10. The order denied respondent's motion pursuant to CPLR 4404 and CPLR 5015.

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

Same memorandum as in *Matter of State of New York v Daniel J.* ([appeal No. 1] – AD3d – [Feb. 7, 2020] [4th Dept 2020]).

Entered: February 7, 2020

Mark W. Bennett
Clerk of the Court