

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

187.1

CAF 23-00849

PRESENT: SMITH, J.P., CURRAN, OGDEN, GREENWOOD, AND KEANE, JJ.

IN THE MATTER OF MEKAYLA S.

ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES,
PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

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

NICHOLAS T. TEXIDO, WEST SENECA, FOR RESPONDENT-APPELLANT.

BENJAMIN MANNION, BUFFALO, FOR PETITIONER-RESPONDENT.

Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered December 15, 2022, in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined that respondent abused the subject child.

It is hereby ORDERED that the order so appealed from is affirmed without costs.

Same memorandum as in *Matter of Gabriel H. (Daniel K.)* ([appeal No. 1] – AD3d – [July 3, 2024] [4th Dept 2024]).

All concur except CURRAN and OGDEN, JJ., who dissent and vote to reverse in accordance with the same dissenting memorandum as in *Matter of Gabriel H. (Daniel K.)* ([appeal No. 1] – AD3d – [July 3, 2024] [4th Dept 2024]).

Entered: July 3, 2024

Ann Dillon Flynn
Clerk of the Court