

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

211

CA 15-00802

PRESENT: SMITH, J.P., PERADOTTO, NEMOYER, CURRAN, AND SCUDDER, JJ.

DARA R. CUNNINGHAM, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

ARLYN C. CUNNINGHAM, JR., DEFENDANT-RESPONDENT.

IN THE MATTER OF DARA R. CUNNINGHAM,
PETITIONER-APPELLANT,

V

ARLYN C. CUNNINGHAM, JR., RESPONDENT-RESPONDENT.
(APPEAL NO. 1.)

MICHAEL STEINBERG, ROCHESTER, FOR PLAINTIFF-APPELLANT AND PETITIONER-APPELLANT.

J. SCOTT PORTER, SENECA FALLS, FOR DEFENDANT-RESPONDENT AND RESPONDENT-RESPONDENT.

TIFFANY M. SORGEN, ATTORNEY FOR THE CHILD, CANANDAIGUA.

Appeal from an order of the Supreme Court, Yates County (Dennis F. Bender, A.J.), dated July 24, 2014. The order, inter alia, awarded sole legal custody of the parties' child to defendant-respondent and dismissed plaintiff-petitioner's family offense petition.

It is hereby ORDERED that said appeal insofar as it challenges the award of custody to defendant-respondent is unanimously dismissed, and the order is affirmed without costs.

Same memorandum as in *Cunningham v Cunningham* ([appeal No. 3] ____ AD3d ____ [Mar. 25, 2016]).

Entered: March 25, 2016

Frances E. Cafarell
Clerk of the Court