

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

1235

CAF 16-01311

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, NEMOYER, AND TROUTMAN, JJ.

IN THE MATTER OF RICHARD B. DEVITA AND
CONSTANCE J. DEVITA, PETITIONERS-RESPONDENTS,

V

MEMORANDUM AND ORDER

MARIE L. DEVITA, RESPONDENT-APPELLANT.
(APPEAL NO. 2.)

DENIS A. KITCHEN, JR., WILLIAMSVILLE, FOR RESPONDENT-APPELLANT.

MICHAEL W. COLE, ALDEN, FOR PETITIONERS-RESPONDENTS.

JESSICA L. VESPER, ATTORNEY FOR THE CHILD, BUFFALO.

FRANK LONGO, ATTORNEY FOR THE CHILD, KENMORE.

Appeal from an order of the Family Court, Erie County (Brenda M. Freedman, J.), entered June 6, 2016 in a proceeding pursuant to Family Court Act article 6. The order granted petitioners sole custody of respondent's two sons.

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

Same memorandum as in *Matter of DeVita v DeVita* ([appeal No. 1] ___ AD3d ___ [Nov. 9, 2017]).

Entered: November 9, 2017

Mark W. Bennett
Clerk of the Court