

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

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CAF 16-01386

PRESENT: CENTRA, J.P., CARNI, DEJOSEPH, NEMOYER, AND TROUTMAN, JJ.

IN THE MATTER OF MICHAEL R. RODOLPH,
PETITIONER-APPELLANT,

V

ORDER

SOU PHOMMAVONGSA, RESPONDENT-RESPONDENT.
(APPEAL NO. 1.)

ELIZABETH CIAMBRONE, BUFFALO, FOR PETITIONER-APPELLANT.

HAWTHORNE & VESPER, PLLC, BUFFALO (TINA M. HAWTHORNE OF COUNSEL), FOR
RESPONDENT-RESPONDENT.

Appeal from an order of the Family Court, Erie County (Deanne M. Tripi, J.), entered June 14, 2016 in a proceeding pursuant to Family Court Act article 6. The order granted respondent's motion to dismiss the petition, which was filed on March 31, 2016.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see *Matter of Whitney v Whitney* [appeal No. 3], 154 AD3d 1295, 1295 [4th Dept 2017]; *Matter of Schultz v Schultz* [appeal No. 2], 107 AD3d 1616, 1616 [4th Dept 2013]).

Entered: February 2, 2018

Mark W. Bennett
Clerk of the Court