

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

774

CAF 19-01010

PRESENT: SMITH, J.P., NEMOYER, CURRAN, TROUTMAN, AND DEJOSEPH, JJ.

IN THE MATTER OF RICHARD PHALEN,
PETITIONER-APPELLANT,

V

ORDER

JOLYNN M. GORSKI, RESPONDENT-RESPONDENT.
(APPEAL NO. 1.)

DAVID J. PAJAK, ALDEN, FOR PETITIONER-APPELLANT.

CHARLES J. GREENBERG, AMHERST, FOR RESPONDENT-RESPONDENT.

MARY ANNE CONNELL, BUFFALO, ATTORNEY FOR THE CHILD.

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered February 25, 2019 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition to modify a prior order of visitation.

It is hereby ORDERED that said appeal is unanimously dismissed without costs as moot (see *Matter of Daniels v Jones*, 144 AD3d 1420, 1420 [3d Dept 2016]; *Matter of Smith v Cashaw*, 129 AD3d 1551, 1551 [4th Dept 2015]).

Entered: October 9, 2020

Mark W. Bennett
Clerk of the Court