

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

**987**

**CAF 21-01791**

PRESENT: WHALEN, P.J., SMITH, CURRAN, MONTOUR, AND OGDEN, JJ.

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IN THE MATTER OF JAYTOYA ANN BAILEY,  
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

DONALD ALBERT BAILEY, RESPONDENT-APPELLANT.  
(APPEAL NO. 2.)

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CAITLIN M. CONNELLY, BUFFALO, FOR RESPONDENT-APPELLANT.

SUSAN E. GRAY, CANANDAIGUA, ATTORNEY FOR THE CHILDREN.

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Appeal from an order of the Family Court, Ontario County (Kristina Karle, J.), entered October 5, 2021 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted petitioner sole legal custody of the subject children.

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

Same memorandum as in *Matter of Bailey v Bailey* ([appeal No. 1] – AD3d – [Feb. 10, 2023] [4th Dept 2023]).

Entered: February 10, 2023

Ann Dillon Flynn  
Clerk of the Court