

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

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CA 23-00013

PRESENT: SMITH, J.P., BANNISTER, NOWAK, DELCONTE, AND KEANE, JJ.

IN THE MATTER OF UPSTATE UNIVERSITY HOSPITAL,
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

BRYANT W., RESPONDENT-APPELLANT.
(APPEAL NO. 1.)

ELIZABETH S. FORTINO, DIRECTOR, MENTAL HYGIENE LEGAL SERVICE,
ROCHESTER (PATRICK T. CHAMBERLAIN OF COUNSEL), FOR
RESPONDENT-APPELLANT.

LETITIA JAMES, ATTORNEY GENERAL, ALBANY (KATHLEEN M. TREASURE OF
COUNSEL), FOR PETITIONER-RESPONDENT.

Appeal from an order of the Supreme Court, Onondaga County
(Robert E. Antonacci, II, J.), entered November 2, 2022. The order,
inter alia, authorized the administration of medication to respondent.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs.

Memorandum: In appeal No. 1, respondent appeals from an order
granting petitioner's application for an order continuing a prior
order authorizing petitioner to administer medication to respondent
over his objection and transferring such authority from petitioner to
the Onondaga County Justice Center. In appeal No. 2, respondent
appeals from an order denying his motion seeking leave to renew, inter
alia, his opposition to petitioner's application. Because the order
has since expired, we dismiss as moot the appeals from the orders in
appeal Nos. 1 and 2 (*see Matter of Russell v Tripp*, 144 AD3d 1593,
1594 [4th Dept 2016]; *see also Matter of Upstate Univ. Hosp. v Jason
L.*, 219 AD3d 1147, 1150 [4th Dept 2023]; *see generally People ex rel.
Luck v Squires*, 173 AD3d 1767, 1767 [4th Dept 2019]). Contrary to
respondent's contention in both appeals, we conclude that the
exception to the mootness doctrine does not apply (*see Matter of
McGrath*, 245 AD2d 1081, 1082 [4th Dept 1997]; *see generally Matter of
Hearst Corp. v Clyne*, 50 NY2d 707, 714-715 [1980]).

Entered: February 9, 2024

Ann Dillon Flynn
Clerk of the Court