

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

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CA 23-01169

PRESENT: SMITH, J.P., CURRAN, MONTOUR, NOWAK, AND DELCONTE, JJ.

IN THE MATTER OF BLOSSOM V., A PATIENT
ADMITTED TO ST. JOSEPH'S HOSPITAL HEALTH
CENTER, RESPONDENT-APPELLANT.

MEMORANDUM AND ORDER

NARAYANA REDDY, M.D., MEDICAL DIRECTOR,
ST. JOSEPH'S HOSPITAL HEALTH CENTER,
PSYCHIATRIC INPATIENT UNIT,
PETITIONER-RESPONDENT.
(APPEAL NO. 1.)

ELIZABETH S. FORTINO, DIRECTOR, MENTAL HYGIENE LEGAL SERVICE, UTICA
(JOSEPH M. BETAR OF COUNSEL), FOR RESPONDENT-APPELLANT.

COSTELLO, COONEY & FEARON, PLLC, SYRACUSE (ROBERT W. CONNOLLY OF
COUNSEL), FOR PETITIONER-RESPONDENT.

Appeal from an order of the Supreme Court, Onondaga County
(Gerard J. Neri, J.), entered June 22, 2023, in a proceeding pursuant
to Mental Hygiene Law article 9. The order, inter alia, granted the
application of petitioner for temporary authorization of treatment of
respondent over objection.

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

Memorandum: In appeal No. 1, respondent appeals from an order
granting, inter alia, petitioner's application for an order
temporarily authorizing petitioner to administer medication to
respondent over her objection until July 20, 2023. In appeal No. 2,
respondent appeals from an order denying her motion seeking to have
the proceedings in this Mental Hygiene Law article 9 matter conducted
in person, rather than virtually.

We dismiss both appeals as moot. It is well settled that "an
appeal will be considered moot unless the rights of the parties will
be directly affected by the determination of the appeal and the
interest of the parties is an immediate consequence of the judgment"
(*Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714 [1980]; see *Matter
of Buffalo Teachers Fedn., Inc. [Board of Educ. of the Buffalo Pub.
Schs.]*, 179 AD3d 1553, 1554 [4th Dept 2020]). Here, the order in
appeal No. 1 expired by its own terms on July 20, 2023. Thus,
adjudication of the merits with respect to that appeal will not
"result in immediate and practical consequences to the parties"
(*Coleman v Daines*, 19 NY3d 1087, 1090 [2012]; see *Matter of Upstate*

Univ. Hosp. v Bryant W., 224 AD3d 1340, 1341 [4th Dept 2024]). Similarly, both appeal No. 1 and appeal No. 2 must be dismissed as moot in light of respondent's discharge from involuntary hospitalization by petitioner (see *Matter of Talbot V. [Kingsboro Psychiatric Ctr.]*, 192 AD3d 1123, 1124 [2d Dept 2021], *affd* 38 NY3d 1128 [2022]; *Matter of Dill v Michael P.*, 217 AD3d 1431, 1431 [4th Dept 2023]). In short, these appeals are moot inasmuch as "[r]espondent is no longer aggrieved by [either] order because she is no longer subject to the forcible administration of . . . drugs" by petitioner (*Matter of McGrath*, 245 AD2d 1081, 1082 [4th Dept 1997]).

Contrary to respondent's contention in both appeals, we conclude that the exception to the mootness doctrine does not apply (see *id.*; see generally *Hearst Corp.*, 50 NY2d at 714-715).