

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

470

CAF 08-00309

PRESENT: HURLBUTT, J.P., MARTOCHE, CARNI, GREEN, AND PINE, JJ.

IN THE MATTER OF LIONEL T. VIEIRA,
PETITIONER-RESPONDENT,

V

ORDER

DIANE P. HUFF, RESPONDENT-APPELLANT.

TYSON BLUE, MACEDON, FOR RESPONDENT-APPELLANT.

LIONEL T. VIEIRA, PETITIONER-RESPONDENT PRO SE.

ROBERT L. GOSPER, LAW GUARDIAN, CANANDAIGUA, FOR BENJAMIN H.

Appeal from an order of the Family Court, Ontario County (Maurice E. Strobridge, J.H.O.), entered February 6, 2008 in a proceeding pursuant to Family Court Act article 6. The order modified a prior order of custody and visitation.

It is hereby ORDERED that said appeal is unanimously dismissed without costs as moot (see *Matter of Paoli v Paoli*, 29 AD3d 804; *Matter of Carella v Ferrara*, 9 AD3d 605).

Entered: March 20, 2009

JoAnn M. Wahl
Clerk of the Court