

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

**1706**

**CA 08-00165**

PRESENT: SCUDDER, P.J., SMITH, CENTRA, AND FAHEY, JJ.

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LEON R. KOZIOL, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

KELLY HAWSE KOZIOL, DEFENDANT-RESPONDENT.  
(APPEAL NO. 4.)

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LEON R. KOZIOL, UTICA, PLAINTIFF-APPELLANT PRO SE.

SUGARMAN LAW FIRM, LLP, SYRACUSE (REBECCA A. CRANCE OF COUNSEL), FOR  
DEFENDANT-RESPONDENT.

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Appeal from an order of the Supreme Court, Oneida County (John W. Grow, J.), entered December 6, 2007 in a divorce action. The order, insofar as appealed from, denied the cross motion of plaintiff for custody and/or parenting time.

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

Same Memorandum as in *Koziol v Koziol* ([appeal No. 1] \_\_\_\_ AD3d  
\_\_\_\_ [Mar. 20, 2009]).

Entered: March 20, 2009

JoAnn M. Wahl  
Clerk of the Court