

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

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CA 08-00768

PRESENT: SCUDDER, P.J., SMITH, FAHEY, CARNI, AND PINE, JJ.

IN THE MATTER OF THE STATE OF NEW YORK,
PETITIONER-RESPONDENT,

V

ORDER

RICHARD W. ZIMMER, RESPONDENT-APPELLANT.
(APPEAL NO. 3.)

EMMETT J. CREAHAN, DIRECTOR, MENTAL HYGIENE LEGAL SERVICE, UTICA
(JANINE E. FRANK OF COUNSEL), FOR RESPONDENT-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (JULIE S. MERESON OF
COUNSEL), FOR PETITIONER-RESPONDENT.

Appeal from an order of the Supreme Court, Oneida County (James C. Tormey, J.), entered March 24, 2008 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, denied respondent's motion for a protective order with respect to certain records.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see generally Matter of Eric D.* [appeal No. 1], 162 AD2d 1051).

Entered: June 5, 2009

Patricia L. Morgan
Clerk of the Court