

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

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**CAF 09-00636**

PRESENT: SMITH, J.P., CARNI, PINE, AND GORSKI, JJ.

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IN THE MATTER OF PATRICK J. HUTSON,  
PETITIONER-APPELLANT,

V

ORDER

STACY M. HUTSON, RESPONDENT-RESPONDENT.

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SUSAN GRAY JONES, CANANDAIGUA, FOR PETITIONER-APPELLANT.

MUEHE AND NEWTON, LLP, CANANDAIGUA (GEORGE F. NEWTON OF COUNSEL), FOR  
RESPONDENT-RESPONDENT.

MARYBETH D. BARNET, LAW GUARDIAN, CANANDAIGUA, FOR GRACIE R.H. AND  
ALYSSA M.H.

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Appeal from an order of the Family Court, Ontario County (William F. Kocher, J.), entered February 11, 2009 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition.

Now, upon reading and filing the stipulation of discontinuance signed by petitioner on January 13, 2010, the attorneys for the parties on January 21 and 22, 2010, and the Law Guardian on January 22, 2010,

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

Entered: February 11, 2010

Patricia L. Morgan  
Clerk of the Court