

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

**430**

**CAF 08-02150**

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

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IN THE MATTER OF STACY LEARN,  
PETITIONER-RESPONDENT,

V

ORDER

LINDA ATWATER, RESPONDENT-APPELLANT.

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NATHANIEL L. BARONE, II, JAMESTOWN, FOR RESPONDENT-APPELLANT.

MARK S. WILLIAMS, PUBLIC DEFENDER, OLEAN (HEATHER A. TOMES OF  
COUNSEL), FOR PETITIONER-RESPONDENT.

GERALD M. DRISCOLL, LAW GUARDIAN, OLEAN, FOR RICHARD L.

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Appeal from an order of the Family Court, Cattaraugus County  
(Paul B. Kelly, J.H.O.), entered August 26, 2008 in a proceeding  
pursuant to Family Court Act article 6. The order, among other  
things, awarded custody of the subject child to petitioner.

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

Entered: March 19, 2010

Patricia L. Morgan  
Clerk of the Court