

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

1476

CAF 09-02371

PRESENT: MARTOCHE, J.P., SMITH, FAHEY, PERADOTTO, AND GREEN, JJ.

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IN THE MATTER OF REGINA M. THREET,  
PETITIONER-APPELLANT,

V

ORDER

MARK S. THREET, RESPONDENT-RESPONDENT.  
(APPEAL NO. 2.)

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ALAN BIRNHOLZ, EAST AMHERST, FOR PETITIONER-APPELLANT.

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Appeal from an order of the Family Court, Erie County (Rosalie Bailey, J.), entered October 26, 2009 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition for a modification of custody and visitation.

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

Entered: December 30, 2010

Patricia L. Morgan  
Clerk of the Court