

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

1532

CA 09-00631

PRESENT: SMITH, J.P., PERADOTTO, CARNI, LINDLEY, AND SCONIERS, JJ.

IN THE MATTER OF THE APPLICATION OF DONALD L.L.,
PETITIONER-APPELLANT, FOR THE APPOINTMENT OF A
GUARDIAN OF THE PERSON AND PROPERTY OF JESSIE
D.L., AN ALLEGED INCAPACITATED PERSON.

ROBERT J. MICELI, RESPONDENT.
(APPEAL NO. 1.)

ORDER

IN THE MATTER OF THE APPLICATION OF DONALD L.L.,
PETITIONER-APPELLANT, FOR THE APPOINTMENT OF A
GUARDIAN OF THE PERSON AND PROPERTY OF JESSIE
D.L., AN ALLEGED INCAPACITATED PERSON.

ROBERT J. MICELI, RESPONDENT.
(APPEAL NO. 2.)

ROBERT J. MICELI, AS GUARDIAN OF THE PERSON AND
PROPERTY OF JESSIE D.L., PLAINTIFF-RESPONDENT,

V

DONALD L.L. AND PATRICIA FITZGERALD,
DEFENDANTS-APPELLANTS.
(APPEAL NO. 3.)

FRANK A. ALOI, ROCHESTER, FOR PETITIONER-APPELLANT AND DEFENDANTS-
APPELLANTS.

LAW OFFICES OF RICHARD A. KROLL, ROCHESTER (RICHARD A. KROLL OF
COUNSEL), PARKER LAW OFFICE, PLLC, FOR RESPONDENT AND PLAINTIFF-
RESPONDENT.

Appeal from an order and judgment (one paper) of the Supreme
Court, Monroe County (David Michael Barry, J.), entered April 21,
2008. The order and judgment, inter alia, appointed a guardian for
the person and property of the incapacitated person.

It is hereby ORDERED that said appeal is unanimously dismissed
with costs (*see Matter of Cherilyn P.*, 192 AD2d 1084, *lv denied* 82
NY2d 652; *see also* CPLR 5511).

Entered: February 10, 2011

Patricia L. Morgan
Clerk of the Court