

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

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CAF 09-02544

PRESENT: SCUDDER, P.J., SMITH, CARNI, AND SCONIERS, JJ.

IN THE MATTER OF JAMES M. FOX,
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

ELAINE H. FOX, RESPONDENT-APPELLANT.
(APPEAL NO. 1.)

SHIRLEY A. GORMAN, BROCKPORT, FOR RESPONDENT-APPELLANT.

SUSAN GRAY JONES, CANANDAIGUA, FOR PETITIONER-RESPONDENT.

M. KATHLEEN CURRAN, ATTORNEY FOR THE CHILD, CANANDAIGUA, FOR SARA F.

Appeal from an order of the Family Court, Ontario County (William F. Kocher, J.), entered November 23, 2009 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted sole legal and physical custody of the parties' child to petitioner.

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

Same Memorandum as in *Matter of Fox v Fox* ([appeal No. 2] ____ AD3d ____ [Mar. 16, 2012]).

Entered: March 16, 2012

Frances E. Cafarell
Clerk of the Court