

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D15859
X/gts

_____AD3d_____

Argued - June 22, 2007

WILLIAM F. MASTRO, J.P.
JOSEPH COVELLO
WILLIAM E. McCARTHY
THOMAS A. DICKERSON, JJ.

2006-10817

DECISION & ORDER

In the Matter of Michael L. (Anonymous),
respondent; Amy R. Klein, etc., appellant.

(Index No. 29901/06)

Andrew M. Cuomo, Attorney General, New York, N.Y. (Michael S. Belohlavek and Richard Dearing of counsel), for appellant.

Mental Hygiene Legal Service, Mineola, N.Y. (Sidney Hirschfeld, Laura Rothschild, and Dennis B. Feld of counsel), for respondent.

In a proceeding pursuant to Mental Hygiene Law § 9.33 to retain a patient in a mental health care facility for involuntary psychiatric care for a period not to exceed six months, the petitioner appeals from an order of the Supreme Court, Suffolk County (Berler, J.), dated November 17, 2006, which, after a hearing, denied the petition and directed the release of the patient. By decision and order on motion of this court dated November 30, 2006, enforcement of the order was stayed pending hearing and determination of the appeal.

ORDERED that the appeal from the order is dismissed as academic, without costs or disbursements.

Under the particular circumstances of this case, this appeal has been rendered academic, and this matter does not otherwise warrant invoking an exception to the mootness doctrine (*see Matter of Hearst Corp. v Clyne*, 50 NY2d 707; *Asher v Gigante*, 21 AD3d 916; *Equicredit Corp. of Am. v Cabrero*, 17 AD3d 520). Therefore, dismissal is appropriate (*see Romaro Corp. v Sea & Sky Garden*, 304 AD2d 742; *Matter of Congregation Bnei Yoel v Monroe-Woodbury*

September 4, 2007

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MATTER OF L. (ANONYMOUS), MICHAEL

Cent. School Dist., 258 AD2d 582; *Matter of Vetri*, 208 AD2d 755).

MASTRO, J.P., COVELLO, McCARTHY and DICKERSON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court