

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

D16017
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_____AD3d_____

Argued - June 18, 2007

ROBERT A. SPOLZINO, J.P.
PETER B. SKELOS
ROBERT A. LIFSON
RUTH C. BALKIN, JJ.

2006-09407

DECISION & ORDER

In the Matter of John M. Jacobs, respondent,
v Jeanette Traylor, appellant.

(Docket No. V-7686-05)

James H. Tatem, New York, N.Y., for appellant.

Carol Sherman, Brooklyn, N.Y. (Janet Neustaetter and Barbara H. Dildine of counsel), Law Guardian for the child.

In a proceeding pursuant to Family Court Act article 6 to modify a prior order of custody and visitation awarding the parties joint custody of the child, the mother appeals, by permission, as limited by her brief, from so much of an order of the Family Court, Kings County (Toussaint, J.), dated September 20, 2006, as, without a hearing, ordered that the child is “to attend the Atwell School at Empire Blvd. for the fall semester” of 2006.

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

The order appealed from has expired by its own terms. Accordingly, the appeal must be dismissed as academic (*see Matter of Ellwanger v Ellwanger*, 31 AD3d 447; *Matter of DePaola v Corrales*, 303 AD2d 586, 587; *Matter of Trentacoste v Trentacoste*, 211 AD2d 724, 726).

SPOLZINO, J.P., SKELOS, LIFSON and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 21, 2007

MATTER OF JACOBS v TRAYLOR