

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

D16374
O/kmg

_____AD3d_____

Submitted - September 11, 2007

HOWARD MILLER, J.P.
PETER B. SKELOS
JOSEPH COVELLO
WILLIAM E. McCARTHY, JJ.

2007-01900

DECISION & ORDER

In the Matter of William J. Hongach, appellant, v
Lori A. Hongach, respondent.

(Docket No. V-06722-04/06C)

Wolfson Greller & Egitto, PC, Poughkeepsie, N.Y. (Joseph A. Egitto of counsel), for
appellant.

Lieberman & LeBovit, Yorktown Heights, N.Y. (Mitchell P. Lieberman of counsel),
for respondent.

Diane P. Foley, Wappinger Falls, N.Y., Law Guardian for the child.

In a visitation proceeding pursuant to Family Court Act article 6, the father appeals,
as limited by his brief, from so much of an order of the Family Court, Dutchess County (Sammarco,
J.), dated January 10, 2007, as, without a hearing, granted the mother's motion to dismiss his cross
petition.

ORDERED that the order is affirmed insofar as appealed from, with costs.

The Family Court properly granted, without a hearing, the mother's motion to dismiss
the father's cross petition to modify the visitation provisions of a prior order granting custody and
visitation, as the father failed to allege a material change of circumstances sufficient to warrant a
hearing (*see Matter of Walberg v Rudden*, 14 AD3d 572, 572; *Matter of Steinharter v Steinharter*,

October 2, 2007

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11 AD3d 471, 471; *Matter of Timson v Timson*, 5 AD3d 691, 692; *Matter of Blake v Vilbig*, 288 AD2d 470, 471; *Matter of Milhollen v Voelpel*, 270 AD2d 422, 423).

MILLER, J.P., SKELOS, COVELLO and McCARTHY, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court