

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

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_____AD3d_____

Submitted - September 20, 2007

STEPHEN G. CRANE, J.P.
ANITA R. FLORIO
ROBERT A. LIFSON
EDWARD D. CARNI, JJ.

2006-07004

DECISION & ORDER

In the Matter of James Hall, Sr., appellant, v
Daisie Hall, respondent.
(Proceeding No. 1)

In the Matter of James Hall, Sr., appellant, v
Bailey Hall, respondent.
(Proceeding No. 2)

In the Matter of Melissa D. Hall-Rawles, petitioner,
v James Hall, Sr., appellant.
(Proceeding No. 3)

In the Matter of Melissa D. Hall-Rawles, petitioner,
v Sachie Yvette Hall, respondent.
(Proceeding No. 4)

(Docket Nos. V-09084-05, V-9086-05,
V-10400-05, V-10401-05)

Richard S. Birnbaum, White Plains, N.Y., for appellant.

Darren DeUrso, White Plains, N.Y., for respondents Daisie Hall and Bailey Hall.

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Anne Gilleece, White Plains, N.Y., Law Guardian for the child.

In related child custody proceedings pursuant to Family Court Act article 6, the father appeals from an order of the Family Court, Westchester County (Cooney, J.), entered July 14, 2006, which dismissed his petitions in Proceeding Nos. 1 and 2 and the petitions of Melissa D. Hall-Rawles in Proceeding Nos. 3 and 4 for custody of the subject child on the ground that New York is an inconvenient forum.

ORDERED that the father's appeal from so much of the order as dismissed the petitions of Melissa D. Hall-Rawles in Proceeding Nos. 3 and 4 for custody of the subject child is dismissed, as he is not aggrieved by that portion of the order (*see* CPLR 5511); and it is further,

ORDERED that the order is affirmed insofar as reviewed, without costs or disbursements.

Contrary to the father's contention, the Family Court providently exercised its discretion, after reviewing the appropriate factors, in declining to exercise jurisdiction of this matter since Virginia is the more appropriate and convenient forum (*see* Domestic Relations Law § 76-f; *Vanneck v Vanneck*, 49 NY2d 602, 609-610; *Clark v Clark*, 21 AD3d 1326, 1327-1328; *Matter of Koch v Andres*, 295 AD2d 609, 610; *Matter of Persaud v Persaud*, 293 AD2d 480, 481).

CRANE, J.P., FLORIO, LIFSON and CARNI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

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