

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

D25667  
C/kmg

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Submitted - December 11, 2009

PETER B. SKELOS, J.P.  
THOMAS A. DICKERSON  
PLUMMER E. LOTT  
SHERI S. ROMAN, JJ.

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2008-02010

DECISION & ORDER

In the Matter of Dawn Delevan, respondent,  
v Sean Delevan, appellant.

(Docket No. V-17750-01)

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Elliot Green, Brooklyn, N.Y., for appellant.

Janet L. Brown, Jamaica, N.Y., attorney for the children.

In a child custody and visitation proceeding pursuant to Family Court Act article 6, the father appeals from an order of the Family Court, Queens County (Seiden, Ct. Atty. Ref.), dated February 5, 2008, which, after a hearing, granted his motion, inter alia, to vacate an order of the same court dated August 30, 2007, terminating his visitation, and to reinstate the provisions of a prior order of visitation dated June 19, 2007.

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

The appeal by the father must be dismissed on the ground that he is not aggrieved by the order appealed from (*see* CPLR 5511). The father obtained all of the relief he sought in his motion, which was, inter alia, to vacate an order of the same court dated August 30, 2007, terminating his visitation, and to reinstate the provisions of a prior order of visitation dated June 19, 2007, awarding him supervised visitation (*see Parochial Bus Sys. v Board of Educ. of City of N.Y.*, 60 NY2d 539, 545; *Parimist Funding Corp. v Suffolk Vascular Assoc., PLLC*, 62 AD3d 974, 975; *Ell v S.E.T. Landscape Design*, 286 AD2d 414).

SKELOS, J.P., DICKERSON, LOTT and ROMAN, JJ., concur.

ENTER:



James Edward Pelzer

Clerk of the Court

January 12, 2010

MATTER OF DELEVAN v DELEVAN