

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

D26388
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____AD3d____

Submitted - February 2, 2010

PETER B. SKELOS, J.P.
ANITA R. FLORIO
L. PRISCILLA HALL
LEONARD B. AUSTIN, JJ.

2008-09786

DECISION & ORDER

In the Matter of Robert Lee Cahill, Jr., appellant, v
Maureen Zakian, respondent.

(Docket No. V-00057-06)

Carol Kahn, New York, N.Y., for appellant.

Catherine S. Bridge, Staten Island, N.Y., attorney for the child.

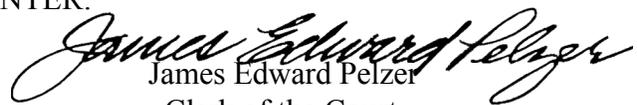
In a child custody proceeding pursuant to Family Court Act article 6, the father appeals, as limited by his brief, from so much of an order of the Family Court, Richmond County (McElrath, J.), dated September 18, 2008, as, upon confirming a referee's report (Stanton, Ct. Atty. Ref.), dated August 27, 2008, granted the motion of the attorney for the child for summary judgment dismissing the father's petition to modify a prior custody order so as to award him sole custody of the subject child.

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

Since the child is now over 18 years of age, he is no longer subject to the order appealed from (*see Matter of Merando v Vantassel*, 66 AD3d 783).

SKELOS, J.P., FLORIO, HALL and AUSTIN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

March 9, 2010

MATTER OF CAHILL v ZAKIAN