

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

D32586  
G/kmb

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Submitted - September 30, 2011

WILLIAM F. MASTRO, J.P.  
DANIEL D. ANGIOLILLO  
ARIEL E. BELEN  
PLUMMER E. LOTT, JJ.

2010-09290  
2010-09384

DECISION & ORDER

In the Matter of Garfield Brown, respondent,  
v Lydia Jimenez, appellant.  
(Proceeding No. 1)

In the Matter of Lydia Jimenez, appellant,  
v Garfield Brown, respondent.  
(Proceeding No. 2)

(Docket Nos. V-12986-09/10D, V-12986-09/10E,  
V-12986-09/10F)

Andrew E. MacAskill, Westbury, N.Y., for appellant.

Catherine Sheridan, Attorney at Law, P.C., Carle Place, N.Y., attorney for the child.

In related proceedings pursuant to Family Court Act article 6, the mother appeals from (1) an order of the Family Court, Nassau County (Zimmerman, J.), dated August 19, 2010, which, without a hearing, dismissed the father's petition in Proceeding No. 1 for modification of a custody and visitation order of the same court dated April 7, 2010, and (2) an order of the same court, also dated August 19, 2010, which, without a hearing, dismissed her two petitions in Proceeding No. 2, one alleging that the father violated certain provisions of the custody and visitation order dated April 7, 2010, and the other seeking modification of that order, inter alia, so as to award her sole custody of the subject child.

ORDERED that the appeal from the first order dated August 19, 2010, dismissing the

October 18, 2011

Page 1.

MATTER OF BROWN v JIMENEZ  
MATTER OF JIMENEZ v BROWN

father's petition, is dismissed, as the mother is not aggrieved thereby (*see* CPLR 5511); and it is further,

ORDERED that the appeal from the second order dated August 19, 2010, dismissing the mother's two petitions, is dismissed as academic, without costs or disbursements.

Since the parties' child is now over 18 years of age, he is no longer subject to the second order appealed from. Accordingly, the appeal from the second order has been rendered academic (*see Matter of Cahill v Zakian*, 71 AD3d 765; *Matter of Merando v Vantassel*, 66 AD3d 783).

MASTRO, J.P., ANGIOLILLO, BELEN and LOTT, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court