

**SUPREME COURT OF THE STATE OF NEW YORK**  
*Appellate Division, Fourth Judicial Department*

**977**

**CAF 13-01098**

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, WHALEN, AND DEJOSEPH, JJ.

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IN THE MATTER OF CHRISTOPHER J. MILLER,  
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

KATHERINE D. WARREN, RESPONDENT-RESPONDENT.  
(APPEAL NO. 2.)

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THE ABBATOY LAW FIRM, PLLC, ROCHESTER (DAVID M. ABBATOY, JR., OF  
COUNSEL), FOR PETITIONER-APPELLANT.

TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER (JANE I. YOON OF  
COUNSEL), FOR RESPONDENT-RESPONDENT.

LORENZO NAPOLITANO, ATTORNEY FOR THE CHILD, ROCHESTER.

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Appeal from an order of the Family Court, Monroe County (Patricia E. Gallaher, J.), entered April 24, 2013 in a proceeding pursuant to Family Court Act article 6. The order denied and dismissed the petition to modify an amended custody order.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same memorandum as in *Matter of Warren v Miller* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Oct. 9, 2015]).

Entered: October 9, 2015

Frances E. Cafarell  
Clerk of the Court