

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

**144**

**CAF 09-00463**

PRESENT: SMITH, J.P., CARNI, PINE, AND GORSKI, JJ.

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IN THE MATTER OF NATHANIEL DOVE, JR.,  
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

KATRICE M. ROSE, RESPONDENT-APPELLANT.  
(APPEAL NO. 2.)

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WILLIAM D. BRODERICK, JR., ELMA, FOR RESPONDENT-APPELLANT.

CHARLES J. GREENBERG, BUFFALO, FOR PETITIONER-RESPONDENT.

THOMAS A. DEUSCHLE, LAW GUARDIAN, WEST SENECA, FOR DIYANTE' D.

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Appeal from an order of the Family Court, Erie County (Marjorie Mix, J.H.O.), entered January 21, 2009. The order settled the record on appeal in appeal No. 1.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Same Memorandum as in *Matter of Dove v Rose* ([appeal No. 1] \_\_\_\_ AD3d \_\_\_\_ [Mar. 19, 2010]).

Entered: March 19, 2010

Patricia L. Morgan  
Clerk of the Court