

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

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CA 09-00012

PRESENT: SMITH, J.P., CENTRA, LINDLEY, SCONIERS, AND PINE, JJ.

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IN THE MATTER OF THE APPLICATION OF LAURENCE  
GUTTMACHER, M.D., CLINICAL DIRECTOR OF  
ROCHESTER PSYCHIATRIC CENTER,  
PETITIONER-RESPONDENT,

V

ORDER

MELVERTON M., A PATIENT AT ROCHESTER  
PSYCHIATRIC CENTER, RESPONDENT-APPELLANT.

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SHIRLEY A. GORMAN, BROCKPORT, FOR RESPONDENT-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (KATHLEEN M. ARNOLD OF  
COUNSEL), FOR PETITIONER-RESPONDENT.

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Appeal from an order of the Supreme Court, Monroe County (David Michael Barry, J.), entered October 9, 2008 in a proceeding pursuant to Mental Hygiene Law § 9.33. The order authorized the involuntary retention of respondent for six months from September 23, 2008.

It is hereby ORDERED that said appeal is unanimously dismissed without costs as moot (see *Matter of Fernando L.*, 13 AD3d 450).

Entered: March 19, 2010

Patricia L. Morgan  
Clerk of the Court