

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

1521

CAF 10-00003

PRESENT: SMITH, J.P., PERADOTTO, CARNI, LINDLEY, AND SCONIERS, JJ.

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IN THE MATTER OF DOMINIC CAPPIELLO,  
PETITIONER-RESPONDENT,

V

ORDER

LAURIE CAPPIELLO, RESPONDENT-APPELLANT.

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WAGNER & HART, LLP, OLEAN (JANINE FODOR OF COUNSEL), FOR  
RESPONDENT-APPELLANT.

EMILY A. VELLA, SPRINGVILLE, FOR PETITIONER-RESPONDENT.

STEVEN J. LORD, ATTORNEY FOR THE CHILDREN, ARCADE, FOR ASHLEA C.,  
AYRIANNA C. AND STAR C.

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Appeal from an order of the Family Court, Cattaraugus County (Judith E. Samber, R.), entered November 20, 2009 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted sole legal and physical custody of the parties' children to petitioner.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs for reasons stated in the decision at Family Court.

Entered: December 30, 2010

Patricia L. Morgan  
Clerk of the Court