

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

1246

CAF 11-00946

PRESENT: SCUDDER, P.J., SMITH, CENTRA, LINDLEY, AND WHALEN, JJ.

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IN THE MATTER OF JESSICA LEIGH MARSH,  
PETITIONER-APPELLANT,

V

ORDER

JASON MICHAEL HARDY, RESPONDENT-RESPONDENT.

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PAUL M. DEEP, UTICA, FOR PETITIONER-APPELLANT.

MULDOON & GETZ, ROCHESTER (MARGARET MCMULLEN OF COUNSEL), FOR  
RESPONDENT-RESPONDENT.

MARK P. MALAK, ATTORNEY FOR THE CHILD, CLINTON, FOR EVAN M.H.

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Appeal from an order of the Family Court, Oneida County (Brian M. Miga, J.H.O.), entered April 8, 2011 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, awarded primary physical custody of the parties' child to respondent.

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: November 9, 2012

Frances E. Cafarell  
Clerk of the Court