

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

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CA 08-00766

PRESENT: SCUDDER, P.J., SMITH, FAHEY, CARNI, AND PINE, JJ.

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IN THE MATTER OF THE STATE OF NEW YORK,  
PETITIONER-RESPONDENT,

V

ORDER

RICHARD W. ZIMMER, RESPONDENT-APPELLANT.  
(APPEAL NO. 1.)

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EMMETT J. CREAHAN, DIRECTOR, MENTAL HYGIENE LEGAL SERVICE, UTICA  
(JANINE E. FRANK OF COUNSEL), FOR RESPONDENT-APPELLANT.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (JULIE S. MERESON OF  
COUNSEL), FOR PETITIONER-RESPONDENT.

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Appeal from an order of the Supreme Court, Oneida County (James C. Tormey, J.), entered February 7, 2008 in a proceeding pursuant to Mental Hygiene Law article 10. The order, among other things, granted in part petitioner's motion to unseal certain records.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (see generally *Matter of Eric D.* [appeal No. 1], 162 AD2d 1051).

Entered: June 5, 2009

Patricia L. Morgan  
Clerk of the Court