

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

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**CAF 08-01157**

PRESENT: MARTOCHE, J.P., SMITH, FAHEY, CARNI, AND GREEN, JJ.

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IN THE MATTER OF JOSEPH R. MCCOOEY,  
PETITIONER-APPELLANT,

V

ORDER

GAIL L. ALENIKOV, RESPONDENT-RESPONDENT.  
(APPEAL NO. 1.)

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ABBIE GOLDBAS, UTICA, FOR PETITIONER-APPELLANT.

TRACY L. PUGLIESE, CLINTON, FOR RESPONDENT-RESPONDENT.

JOHN G. KOSLOSKY, LAW GUARDIAN, UTICA, FOR KATHRYN M., JAMES M. AND  
JACOB M.

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Appeal from an order of the Family Court, Herkimer County  
(Anthony J. Garramone, J.H.O.), entered March 12, 2008 in a proceeding  
pursuant to Family Court Act article 6. The order, insofar as  
appealed from, denied in part the violation petition.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs (see *Ciesinski v Town of Aurora*,  
202 AD2d 984, 985).

Entered: June 5, 2009

Patricia L. Morgan  
Clerk of the Court