

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

886

CAF 08-01158

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

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

V

ORDER

GAIL L. ALENIKOV, RESPONDENT-RESPONDENT.
(APPEAL NO. 2.)

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.

Appeal from an order of the Family Court, Herkimer County
(Anthony J. Garramone, J.H.O.), entered March 13, 2008 in a proceeding
pursuant to Family Court Act article 6. The order dismissed the
petition to modify a prior order of custody and visitation.

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: June 5, 2009

Patricia L. Morgan
Clerk of the Court