

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

728.1

TP 12-01781

PRESENT: SMITH, J.P., FAHEY, CARNI, VALENTINO, AND WHALEN, JJ.

IN THE MATTER OF JENNIFER BIANCHINE, PETITIONER,

V

ORDER

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES, NEW YORK STATE CENTRAL REGISTER OF CHILD ABUSE AND MALTREATMENT AND ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES, RESPONDENTS.

TIMOTHY M. O'MARA, WILLIAMSVILLE, AND MICHAEL J. FLAHERTY, BUFFALO, FOR PETITIONER.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (ALLYSON B. LEVINE OF COUNSEL), FOR RESPONDENTS NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES, AND NEW YORK STATE CENTRAL REGISTER OF CHILD ABUSE AND MALTREATMENT.

EMIL J. CAPPELLI, BUFFALO, FOR RESPONDENT ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES.

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Erie County [Shirley Troutman, J.], entered September 14, 2012) to review a determination of respondent New York State Office of Children and Family Services. The determination denied petitioner's application to amend the indicated report of maltreatment to an unfounded report.

Now, upon reading and filing the stipulation of discontinuance signed by petitioner on March 28, 2013, and by the attorneys for the parties on March 20, 28 and 29, and April 3, 2013,

It is hereby ORDERED that said proceeding is unanimously dismissed without costs upon stipulation.

Entered: June 7, 2013

Frances E. Cafarell
Clerk of the Court