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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 85 SSM 49
In the Matter of Willard
Saperston,
 Appellant,
 v.
Heather Holdaway,
 Respondent.

Submitted by Michael B. Powers, for appellant.
Submitted by Peter C. Lomtevas, for respondent.
Submitted by Emilio L. Colaiacovo, for the child.

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On review of submissions pursuant to section 500.11 of the Rules,
appeal dismissed, without costs, upon the ground that the two-
justice dissent at the Appellate Division is not on a question of
law within the meaning of CPLR 5601(a). Chief Judge Lippman and
Judges Graffeo, Read, Smith and Pigott concur. Judge Rivera took
no part.

Decided February 19, 2013