

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

886

CA 24-00948

PRESENT: WHALEN, P.J., SMITH, GREENWOOD, DELCONTE, AND HANNAH, JJ.

JULIE MORSE, PLAINTIFF-RESPONDENT,

V

MEMORANDUM AND ORDER

BRADFORD J. MORSE, DEFENDANT-APPELLANT.

CAMBARERI & BRENNECK, SYRACUSE (MELISSA K. SWARTZ OF COUNSEL), FOR DEFENDANT-APPELLANT.

MACKENZIE HUGHES LLP, SYRACUSE (CHRISTOPHER A. POWERS OF COUNSEL), FOR PLAINTIFF-RESPONDENT.

CATHERINE M. SULLIVAN, LIVERPOOL, ATTORNEY FOR THE CHILDREN.

Appeal from a judgment of the Supreme Court, Onondaga County (Danielle M. Fogel, J.), entered May 29, 2024, in a divorce action. The judgment, inter alia, granted plaintiff sole legal and primary physical custody of the subject children.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: In this divorce action, defendant father appeals from a judgment that, inter alia, granted plaintiff mother sole legal and primary physical custody of the children. During the pendency of this appeal, the parties entered into a transcribed oral stipulation in open court that rendered the custodial issues raised on this appeal moot (*see Matter of Charles N.F. v Terry R.F.* [appeal No. 1], 261 AD2d 884, 884 [4th Dept 1999], *lv denied* 93 NY2d 814 [1999]; *see generally Kelly v Kelly*, 19 AD3d 1104, 1106 [4th Dept 2005], *appeal dismissed* 5 NY3d 847 [2005], *reconsideration denied* 6 NY3d 803 [2006]). The appeal must therefore be dismissed (*see Charles N.F.*, 261 AD2d at 884).

Entered: December 23, 2025

Ann Dillon Flynn
Clerk of the Court