

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

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CAF 25-01085

PRESENT: WHALEN, P.J., CURRAN, OGDEN, NOWAK, AND DELCONTE, JJ.

IN THE MATTER OF CARL MARTIN,
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

CHELSEA MARTIN, RESPONDENT-RESPONDENT.

THOMAS L. PELYCH, HORNELL, FOR PETITIONER-APPELLANT.

VERA A. VENKOVA, WILLIAMSVILLE, ATTORNEY FOR THE CHILDREN.

Appeal from an order of the Family Court, Wyoming County (Keith D. Kibler, J.), entered May 23, 2025, in a proceeding pursuant to Family Court Act article 6. The order, inter alia, set out the parenting time for the parties with the children.

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

Memorandum: We conclude that petitioner father's appeal in this Family Court Act article 6 custody modification proceeding must be dismissed. Inasmuch as the father received the substantive relief requested in his petition for modification of a prior custody order, including the equal parenting time he specified, the father is not an aggrieved party (*see* CPLR 5511; *Matter of Jefferson County Dept. of Social Servs. v Mark L.O.*, 12 AD3d 1037, 1038 [4th Dept 2004], *lv dismissed* 4 NY3d 794 [2005]; *see also Matter of Cooper v Cooper*, 74 AD3d 1868, 1869 [4th Dept 2010]).

Entered: May 1, 2026

Ann Dillon Flynn
Clerk of the Court