

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

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CA 15-00804

PRESENT: SMITH, J.P., PERADOTTO, NEMOYER, CURRAN, AND SCUDDER, JJ.

DARA R. CUNNINGHAM, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

ARLYN C. CUNNINGHAM, JR., DEFENDANT-RESPONDENT.
(APPEAL NO. 2.)

MICHAEL STEINBERG, ROCHESTER, FOR PLAINTIFF-APPELLANT.

J. SCOTT PORTER, SENECA FALLS, FOR DEFENDANT-RESPONDENT.

TIFFANY M. SORGEN, ATTORNEY FOR THE CHILD, CANANDAIGUA.

Appeal from an order of the Supreme Court, Yates County (Dennis F. Bender, A.J.), entered February 13, 2015. The order denied the motion of plaintiff seeking leave to renew.

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

Same memorandum as in *Cunningham v Cunningham* ([appeal No. 3] ____ AD3d ____ [Mar. 25, 2016]).

Entered: March 25, 2016

Frances E. Cafarell
Clerk of the Court