

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

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**CAF 15-00692**

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, CURRAN, AND TROUTMAN, JJ.

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IN THE MATTER OF KRISTIN M. DAWLEY,  
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

SEAN T. DAWLEY, RESPONDENT-RESPONDENT.  
(APPEAL NO. 2.)

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PAUL B. WATKINS, FAIRPORT, FOR PETITIONER-APPELLANT.

MICHELLE M. SCUDERI, ATTORNEY FOR THE CHILDREN, WATERTOWN.

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Appeal from an order of the Family Court, Jefferson County (Peter A. Schwerzmann, A.J.), entered March 24, 2015 in a proceeding pursuant to Family Court Act article 6. The order dismissed with prejudice the petition of petitioner seeking to modify a prior consent order with respect to respondent's visitation with the subject children.

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

Memorandum: In appeal No. 2, petitioner mother appeals from an order that dismissed with prejudice her petition seeking to modify a prior consent order with respect to respondent father's visitation with the subject children. While this appeal was pending, Family Court entered an order upon the consent of the parties that resolved the relevant visitation issues, thereby rendering this appeal moot (see *Matter of Warren v Hibbs*, 136 AD3d 1306, 1306, lv denied 27 NY3d 909). We conclude that the exception to the mootness doctrine does not apply (see *id.*; see generally *Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714-715).

The mother has not raised any contentions with respect to the order in appeal No. 1, and we therefore dismiss that appeal (see *Abasciano v Dandrea*, 83 AD3d 1542, 1545; see generally *Ciesinski v Town of Aurora*, 202 AD2d 984, 984).

Entered: November 10, 2016

Frances E. Cafarell  
Clerk of the Court