

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

**847**

**CAF 15-01347**

PRESENT: SMITH, J.P., CENTRA, PERADOTTO, LINDLEY, AND NEMOYER, JJ.

---

IN THE MATTER OF WILLIAM W. KELLY, III,  
PETITIONER-RESPONDENT,

V

ORDER

MELANIE WACHOWIAK, RESPONDENT-APPELLANT.

-----

IN THE MATTER OF MELANIE WACHOWIAK,  
PETITIONER-APPELLANT,

V

WILLIAM W. KELLY, III, RESPONDENT-RESPONDENT.  
(APPEAL NO. 1.)

---

DENIS A. KITCHEN, JR., WILLIAMSVILLE, FOR RESPONDENT-APPELLANT AND  
PETITIONER-APPELLANT.

VENZON LAW FIRM PC, BUFFALO (CATHARINE M. VENZON OF COUNSEL), FOR  
PETITIONER-RESPONDENT AND RESPONDENT-RESPONDENT.

GIOVANNI GENOVESE, ATTORNEY FOR THE CHILDREN, BUFFALO.

-----

Appeal from an order of the Family Court, Erie County (Kevin M. Carter, J.), entered July 7, 2015 in proceedings pursuant to Family Court Act article 6. The order, inter alia, granted sole custody of the subject children to William W. Kelly, III.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Matter of Tristyn R. [Jacqueline Z.] [appeal No. 2]*, 144 AD3d 1611, 1612).

Entered: June 9, 2017

Frances E. Cafarell  
Clerk of the Court