

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: July 20, 2006

98314

In the Matter of RICHARD T.
WALKER,

Appellant,

v

MEMORANDUM AND ORDER

LEANNE M. ADAMS,

Respondent.

Calendar Date: June 1, 2006

Before: Mercure, J.P., Carpinello, Mugglin, Rose and Kane, JJ.

Marcel J. Lajoy, Albany, for appellant.

Keith M. Bruno, Plattsburgh, for respondent.

Larry A. Kudrle, Law Guardian, Plattsburgh.

Mugglin, J.

Appeal from an order of the Supreme Court (Lawliss, J.), entered May 13, 2005 in Clinton County, which dismissed petitioner's application, in a proceeding pursuant to Family Ct Act article 6, for modification of a prior order of custody.

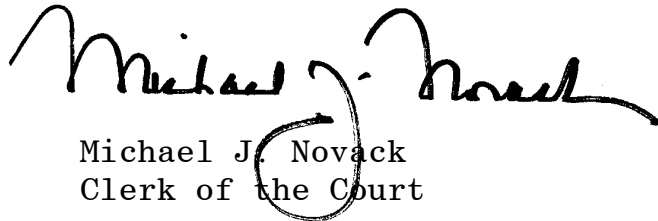
Petitioner's application for modification of a custody and visitation order was dismissed, without prejudice, for his failure to comply with a pretrial scheduling order. He appealed, but in the interim, respondent filed another petition for modification of custody and visitation and petitioner filed a cross petition seeking the same relief. In February 2006, on consent, a custody and visitation order was entered, rendering this appeal moot (see Matter of Rebecca O. v Todd P., 309 AD2d

982, 983 [2003]; Matter of Siberio v Siberio, 208 AD2d 994, 994 [1994]).

Mercure, J.P., Carpinello, Rose and Kane, JJ., concur.

ORDERED that the appeal is dismissed, as moot, without costs.

ENTER:



Michael J. Novack
Clerk of the Court