

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

Decided and Entered: December 8, 2011

510938

In the Matter of HILLARY M.
REVET,

Appellant,

v

MEMORANDUM AND ORDER

JUSTIN J. REVET,

Respondent.

Calendar Date: October 13, 2011

Before: Mercure, Acting P.J., Peters, Spain, Rose and
Kavanagh, JJ.

John A. Cirando, Syracuse, for appellant.

Marsha K. Purdue, Glens Falls, for respondent.

Gerald J. Ducharme, Canton, attorney for the child.

Peters, J.

Appeal from an order of the Supreme Court (Main Jr., J.), entered September 17, 2010 in St. Lawrence County, which dismissed petitioner's application, in a proceeding pursuant to Family Ct Act article 6, to modify a prior order of custody.

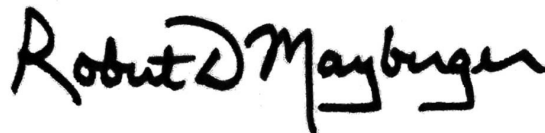
On this appeal, petitioner challenges the dismissal of her petition to modify the provisions of a September 2, 2010 order granting respondent certain periods of weekly visitation with the parties' child (born in 1999). In light of our decision in a companion appeal vacating the weekly visitation schedule set forth in the September 2010 order (Matter of Revet v Revet, ___ AD3d ___ [appeal No. 510629, decided herewith]), the current

appeal is now moot.

Mercure, Acting P.J., Spain, Rose and Kavanagh, JJ.,
concur.

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

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court