

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

Decided and Entered: April 12, 2012

512507

In the Matter of LYNN M.
ROLSTON,
Respondent,
v

JESSICA L. DECKER,
Appellant,
and

ANDREW L. ROLSTON,
Respondent.

MEMORANDUM AND ORDER

Calendar Date: March 21, 2012

Before: Peters, P.J., Rose, Lahtinen, Malone Jr. and
Kavanagh, JJ.

Lisa A. Burgess, Indian Lake, for appellant.

Debra A. Whitson, Elizabethtown, for Lynn M. Rolston,
respondent.

Rebecca L. Fox., Schuyler Falls, for Andrew L. Rolston,
respondent.

Cheryl Maxwell, Plattsburgh, attorney for the child.

Malone Jr., J.

Appeal from an order of the Family Court of Essex County
(Meyer, J.), entered April 19, 2011, which, among other things,
granted petitioner's application, in a proceeding pursuant to
Family Ct Act article 6, to modify a prior order of custody.

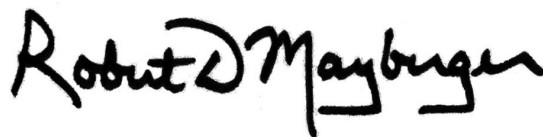
Respondent Jessica L. Decker (hereinafter respondent) is the mother of a child (born in 2003) and petitioner is the paternal grandmother of the child. In September 2009, petitioner commenced a modification proceeding seeking primary physical custody of the child, which was granted in an order entered April 19, 2011. Respondent appeals.

Inasmuch as the parties entered into a February 2012 consent order that superceded the April 2011 order being appealed, this appeal has been rendered moot (see Matter of Dickerson v Knox, 89 AD3d 1290, 1291 [2011]; Matter of Alexander K. [Jennifer N.], 77 AD3d 1023, 1024 [2010]).

Peters, P.J., Rose, Lahtinen 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