

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

Decided and Entered: March 17, 2016

520154

In the Matter of TIM BB.,
Appellant,

v

MEMORANDUM AND ORDER

MALCOLM AA.,
Respondent.

Calendar Date: February 9, 2016

Before: Peters, P.J., McCarthy, Egan Jr. and Lynch, JJ.

Michelle I. Rosien, Philmont, for appellant.

O'Connor & Kruman, PC, Cortland (A.L. Beth O'Connor of counsel), for respondent.

Koslosky & Koslosky, Utica (William L. Koslosky of counsel), attorney for the children.

McCarthy, J.

Appeal from an order of the Family Court of Cortland County (Campbell, J.), entered November 14, 2014, which, in a proceeding pursuant to Family Ct Act article 8, granted respondent's motion to dismiss the petition.

Petitioner filed a petition seeking to modify/terminate a two-year order of protection in favor of, among others, four of his stepchildren stemming from a family offense petition. Respondent moved to dismiss the petition as facially insufficient, asserting that it failed to allege a significant change in circumstances to warrant a modification of the underlying order of protection. Family Court granted

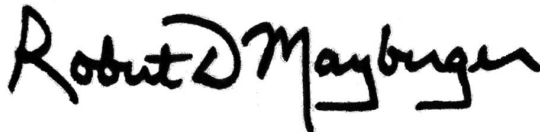
respondent's motion and this appeal ensued.

The underlying order of protection expired by its own terms in April 2015, and the record does not reveal that there have been any extensions. Therefore, the appeal has been rendered moot and must be dismissed (see Matter of Lina Y. v Audra Z., 122 AD3d 1084, 1085 [2014]; Matter of Christopher NN. v Bobby Jo OO., 59 AD3d 828, 828 [2009]).

Peters, P.J., Egan Jr. and Lynch, 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