

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

Decided and Entered: December 21, 2017

525449

In the Matter of JEFFERSON
COUNTY DEPARTMENT OF
SOCIAL SERVICES,
Appellant,
v

MEMORANDUM AND ORDER

CECILY L. MORRIS, as Family
Court Judge of St. Lawrence
County, et al.,
Respondents,
et al.,
Respondents.

Calendar Date: November 21, 2017

Before: Peters, P.J., Garry, Clark, Aarons and Pritzker, JJ.

David J. Paulsen, County Attorney, Watertown (John L. Sabik
of counsel), for appellant.

Eric T. Schneiderman, Attorney General, Albany (Frank Brady
of counsel), for Cecily L. Morris, respondent.

David D. Willer, St. Lawrence County Department of Social
Services, Canton, for St. Lawrence County Department of Social
Services, respondent.

Omsanti Parnes, Plattsburgh, attorney for the children.

Aarons, J.

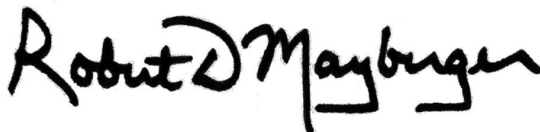
Appeal from a judgment of the Supreme Court (Farley, J.), entered July 6, 2017 in St. Lawrence County, which dismissed petitioner's application, in a proceeding pursuant to CPLR article 78, to prohibit respondent Family Court Judge of St. Lawrence County from ordering petitioner to prosecute a neglect proceeding.

The facts are set forth in more detail in a related appeal (Matter of Gage II., ___ AD3d ___ [decided herewith]). As relevant here, in a May 2017 order, respondent Family Court Judge of St. Lawrence County directed petitioner to prosecute a neglect petition in connection with proceedings originating in St. Lawrence County. Petitioner thereafter commenced this CPLR article 78 proceeding seeking a writ of prohibition staying enforcement of the May 2017 order and permanently restraining said Judge from ordering petitioner to prosecute the neglect proceeding. Supreme Court dismissed the petition and this appeal by petitioner ensued. In light of our determination in Matter of Gage II. (supra), petitioner's appeal is academic and must be dismissed.

Peters, P.J., Garry, Clark and Pritzker, JJ., concur.

ORDERED that the appeal is dismissed, as academic, 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