This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 47

Inc.

Michael J. Carlson, Sr., &c., Appellant,

V .

American International Group, Inc., et al.,

Respondents.

Edward J. Markarian, for appellant.

Kevin D. Szczepanski, for respondents American International Group, Inc. et al.

Paul Kovner, for respondent American Alternative Insurance Co.

Patrick J. Lawless, for respondent DHL Express (USA),

New York State Trial Lawyers Association, <u>amicus</u> <u>curiae</u>.

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Reargument ordered and case set down for argument at a future session of the Court. Chief Judge DiFiore and Judges Rivera, Abdus-Salaam, Stein, Garcia and Wilson concur. Judge Fahey took no part.

Decided April 4, 2017