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

No. 51 SSM 2
In the Matter of Norman Woods
et al.,
Respondents,
v.
State University of New York
et al.,
Appellants.

Submitted by Julie M. Sheridan, for appellants.
Submitted by Thomas D. Latin, for respondents.

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On review of submissions pursuant to section 500.11 of the Rules,
order reversed, without costs, for the reasons stated in the
dissenting memorandum of Justice Robert Rose (139 AD3d 1322,
1325), and matter remitted to the Appellate Division, Third
Department, for consideration of issues raised but not determined
on the appeal to that court. Chief Judge DiFiore and Judges
Rivera, Abdus-Salaam, Stein, Fahey and Garcia concur. Judge
Wilson took no part.

Decided February 14, 2017