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

No. 119 SSM 51
Kasowitz, Benson, Torres &
Friedman, LLP,
Appellant,
v.
Duane Reade, et al.,
Respondents.

Submitted by Aaron H. Marks, for appellant.
Submitted by Charles E. Dorkey, III, for respondents.

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On review of submissions pursuant to section 500.11 of the Rules,
order affirmed, with costs. The courts below did not err as a
matter of law in dismissing the complaint (see Innophos, Inc. v
Rhodia, S.A., 10 NY3d 25, 30 [2008]). Chief Judge Lippman and
Judges Graffeo, Read, Smith, Pigott and Rivera concur.

Decided March 26, 2013