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

2 No. 44
Saramilia Gaston, &c., et al.,
 Respondents,

 v.
American Transit Insurance
Company,

 Appellant.

Marjorie E. Bornes, for appellant.
William D. Fireman, for respondents.

* * * * *

Appeal pending, awaiting substitution for deceased party.

Decided July 1, 2008