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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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USCOA2           No.    215  
City of New York,  
                  Appellant,  
                  v.  
Smokes-Spirits.Com, Inc., et al.,  
                  Respondents,  
Joyce E. Houle, et al.,  
                  Defendants.  
(And Other Actions.)

\* \* \* \* \*

Certification of questions by the United States Court of Appeals  
for the Second Circuit, pursuant to section 500.27 of this  
Court's Rules of Practice, accepted and the issues presented are  
to be considered after briefing and argument. Chief Judge Kaye  
and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones  
concur.

Decided October 16, 2008