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This memorandum is uncorrected and subject to revision before publication in the New York Reports.
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1 No. 194 SSM 24

Victor Peri, et al.,
Respondents,
v.
The City of New York,
Appellant,
LSL Services, Inc., et al.,
Defendants.

Submitted by Karen M. Griffin, for appellant.
Submitted by John M. Daly, for respondents.

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On review of submissions pursuant to section 500.11 of the Rules, order affirmed, with costs, and certified question answered in the affirmative for the reasons stated in the memorandum at the Appellate Division (44 AD3d 526 [1st Dept 2007]). Chief Judge Kaye and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided September 9, 2008