

State of New York Court of Appeals

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

No. 104
Andrew Nitkewicz, &c.,
Appellant,
v.
Lincoln Life & Annuity Company of
New York,
Respondent.

Seth Ard, for appellant.
Alan B. Vickery, for respondent.

Certification of question 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 issue presented is to be considered after briefing and argument. Acting Chief Judge Cannataro and Judges Rivera, Garcia, Wilson, Singas and Troutman concur.

Decided October 20, 2022