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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 140  
Gary Cruz, et al.,  
Appellants,  
v.  
TD Bank, N.A.,  
Respondent.

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Geraldo F. Martinez, et al.,  
Appellants,  
v.  
Capital One Bank, N.A.,  
Respondent.

G. Oliver Koppell, for appellants.  
Alexander D. Bono, for respondent TD Bank, N.A.  
Robert S. Plotkin, for respondent Capital One Bank,  
N.A.

\* \* \* \* \*

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  
Lippman and Judges Graffeo, Read, Smith, Pigott and Rivera  
concur.

Decided April 30, 2013