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

No. 121 SSM 4
In the Matter of the City of
Utica,
Respondent,
v.
Richard F. Daines, as
Commissioner of Health, et al.,
Appellants,
Utica Ambulance Service, Inc.,
Doing Business as Kunkel
Ambulance Service,
Intervenor-Appellant.

Submitted by Patrick J. Fitzgerald, III, for
intervenor-appellant.
Submitted by Matthew J. Kelly, for respondent.

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On review of submissions pursuant to section 500.11 of the Rules,
order reversed, without costs, and the proceeding remitted to
Supreme Court, Albany County, with directions to dismiss the
proceeding solely on the ground of mootness. Chief Judge Lippman
and Judges Graffeo, Read, Smith, Pigott and Rivera concur.

Decided April 2, 2013