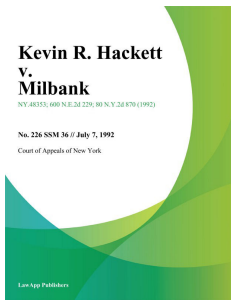


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Author: Court of Appeals of New York

Realese Date: Expected @@expectedReleaseDate@@

[Russell E. Brooks for appellant. Gerald E. Ross for respondent.

Chief Judge Wachtler and Judges Simons, Kaye, Titone and Hancock, Jr., concur in memorandum; Judge Bellacosa taking no part.

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