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

No. 123

The City of New York,
Respondent,

v.

Golden Feather Smoke Shop, Inc.,
Kimo Smoke Shop, Inc., Smoke and
Rolls Inc., Shawn Morrison, Kiana
Morrison, in her individual
capacity, Jessey Watkins, Tony D.
Phillips,

Defendants,

Monique's Smoke Shop, Ernestine
Watkins, in her individual
capacity, Wayne Harris, Red Dot &
Feathers Smoke Shop, Inc.,
Raymond Hart, in his individual
capacity, Smoking Arrow Smoke
Shop, Denise Paschall, in her
individual capacity, TDM Discount
Cigarettes, Thomasina Mack, in her
individual capacity, Peace Pipe
Smoke Shop, Rodney Morrison,
Charlotte Morrison, in her
individual capacity,

Appellants.

Darren Oved, for appellants Monique's Smoke Shop, et
al.

Peter S. Smith, for appellants Peace Pipe Smoke Shop,
et al.

Victoria Scalzo, for respondent.

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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 Ciparick, Graffeo, Read, Smith, Pigott and
Jones concur.

Decided May 11, 2010