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

No. 141
Alice Kramer,
Respondent,
v.
Phoenix Life Insurance Co.,
Lincoln Life & Annuity Co. of New
York,
Defendants,
Lifemark S.A.,
Intervenor-Appellant.

Hector Gonzalez, for intervenor-appellant.
Andrew A. Wittenstein, for respondent.

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Certification of a 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 issues presented are
to be considered after briefing and argument. Chief Judge
Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and
Jones concur.

Decided April 29, 2010