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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 142  
John Giordano,  
                  Appellant,  
          v.  
Market America, Inc. and The  
Chemins Company, Inc.,  
                  Respondents.

          Brian J. Isaac, for appellant.  
          Andrew J. Zajac, for respondent Market America, Inc.  
          Edward J. Stolarski, for respondent The Chemins  
Company.

\* \* \* \* \*

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 April 29, 2010