

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

No. 177

The State of New York, et al.,
Plaintiffs,

v.

Philip Morris Incorporated,
et al.,

Respondents,

RJR Nabisco Holdings Corp.,
et al.,

Defendants,

Dosal Tobacco Corporation,
Seneca-Cayuga Tribal Tobacco
Corporation and Smokin Joes,

Appellants,

Alternative Cigarette, Inc.,
et al.,

Defendants,

Senecan Cayuga Nation, et al.,
Defendants.

William H. Hurd, for appellants.
Stephen R. Patton, for respondents.

* * * * *

Appeal dismissed, without costs. As the nonparticipating tobacco manufacturers are not required by Supreme Court's order to arbitrate and will not be bound by the arbitration, they are not aggrieved. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided November 17, 2010