

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

No. 203

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.

James M. Wicks, for appellants Monique's Smoke Shop, et
al.

Daniel Nobel, for appellants Peace Pipe Smoke Shop, et
al.

Richard W. Levitt, for appellant Narris.
Victoria Scalzo, for respondent.

* * * * *

Pursuant to the August 20, 2010 order of the United States Court
of Appeals for the Second Circuit withdrawing its certification
of questions accepted by this Court on May 11, 2010, certified
questions marked withdrawn. Chief Judge Lippman and Judges
Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided August 31, 2010