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

No. 38
In the Matter of State Farm
Mutual Automobile Insurance
Company,
 Appellant,
 v.
Patrick Fitzgerald,
 Respondent.

Henry Mascia, for appellant.
Frank Braunstein, for respondent.

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Reargument ordered and case set down for argument during a future
session of this Court. Chief Judge Lippman and Judges Read,
Pigott, Abdus-Salaam, Stein and Fahey concur. Judge Rivera took
no part.

Decided March 31, 2015