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

No. 189 SSM 16
Shiby Abraham &c.,
Appellant,
v.
Chelsea Piers Management, Inc.
Respondent.

Submitted by Herman Kaufman, for appellant.
Submitted by Cheryl F. Korman, for respondent.

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On review of submissions pursuant to section 500.11 of the Rules,
order affirmed, with costs, and certified question answered in
the affirmative. The Appellate Division properly concluded,
under the circumstances presented here, that the decedent's
actions were not foreseeable. Chief Judge Lippman and Judges
Pigott, Abdus-Salaam, Stein and Fahey concur. Judge Rivera took
no part.

Decided September 17, 2015