

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

No. 124

Flo & Eddie, Inc., a California  
Corporation, individually and on  
behalf of all others similarly  
situated,

Respondent,

v.

Sirius XM Radio, Inc., a Delaware  
Corporation,

Appellant,

Does, 1 through 10,

Defendants.

Jonathan Hacker, for appellant.  
Harvey Geller, for respondent.

\* \* \* \* \*

Certification of question 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  
DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and  
Garcia concur.

Decided May 3, 2016