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192 ad 2d 451

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**Jane Street Company, Appellant,
v.
Rosenberg & Estis, P. C., Respondent**

Appellate Division of the Supreme Court of the State of New York, First Department.

April 22, 1993

Concur — Milonas, J. P., Ellerin, Asch, Kassal and Rubin, JJ.

The IAS Court correctly determined that no attorney-client relationship existed between these parties. Although privity does not depend on an express agreement or upon payment of a fee, plaintiff's unilateral beliefs and actions do not confer upon it the status of client. There is nothing in the record to indicate that defendant law firm either affirmatively led plaintiff to believe it was acting on plaintiff's behalf or knowingly allowed plaintiff to proceed under this misconception.

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