

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CA 09-01535

PRESENT: SCUDDER, P.J., MARTOCHE, GREEN, AND GORSKI, JJ.

COURTNEY COWAN, KELLY COWAN AND BRIAN COWAN,
PLAINTIFFS-APPELLANTS,

V

MEMORANDUM AND ORDER

STAGECOACH GROUP, PLC, ET AL., DEFENDANTS,
J&J HAULING, INC., JOSEPH R. FRENCH,
INDIVIDUALLY AND DOING BUSINESS AS J&J
TRUCKING, INC., AND/OR J&J HAULING, INC.,
AND PAMELA ZEISET, AS ADMINISTRATRIX OF THE
ESTATE OF ERNEST D. ZEISET, JR., DECEASED,
DEFENDANTS-RESPONDENTS.
(APPEAL NO. 4.)

CLARK, GAGLIARDI & MILLER, P.C., WHITE PLAINS (LAWRENCE T. D'ALOISE,
JR., OF COUNSEL), FOR PLAINTIFFS-APPELLANTS.

CULLEY, MARKS, TANENBAUM & PEZZULO, LLP, ROCHESTER (GLENN E. PEZZULO
OF COUNSEL), FOR DEFENDANTS-RESPONDENTS.

Appeal from an order of the Supreme Court, Livingston County (Thomas M. Van Strydonck, J.), entered March 24, 2009 in a personal injury action. The order granted the motion of defendants J&J Hauling, Inc., Joseph R. French, individually and doing business as J&J Trucking, Inc., and/or J&J Hauling, Inc., and Pamela Zeiset, as administratrix of the estate of Ernest D. Zeiset, Jr., deceased, and determined that the law of Ontario, Canada concerning noneconomic damages applies to this action.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Same Memorandum as in *Butler v Stagecoach Group, PLC* ([appeal No. 1] ___ AD3d ___ [Apr. 30, 2010]).

Entered: April 30, 2010

Patricia L. Morgan
Clerk of the Court