

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

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CA 09-01548

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

SHEILA ELIZABETH EDWARDS, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF RICHARD F. EDWARDS, DECEASED, AND AS ADMINISTRATRIX OF THE ESTATE OF BRIAN EDWARDS, DECEASED, KELLY ELIZABETH EDWARDS, JANNA MARIE DESMARAIS, ROBERT JOSEPH DESMARAIS, TRACY LYNN DESMARAIS, JENNA M. UNDERWOOD, PATRICIA UNDERWOOD, DONALD UNDERWOOD, CARLY A. LABADIE, GUY P. LABADIE, NANCY LABADIE, MICHAEL W. COWAN, TORY J. GAULT, RANDY MICHAEL PAGEAU, LINDA JEAN PAGEAU, JASON P. MAILLOUX, MARCEL MAILLOUX, LOU-ANN MAILLOUX, TIFFANY STROUD, GARY LANGILL, AND CARRIE LANGILL, PLAINTIFFS-APPELLANTS,

MEMORANDUM AND ORDER

V

ERIE COACH LINES COMPANY, ET AL., DEFENDANTS, J&J TRUCKING, J&J HAULING, INC., JOSEPH R. FRENCH, AND PAMELA ZEISET, AS ADMINISTRATRIX OF THE ESTATE OF ERNEST D. ZEISET, JR., DECEASED, DEFENDANTS-RESPONDENTS.
(APPEAL NO. 11.)

SEEGER WEISS LLP, NEW YORK CITY (TERRI ANNE BENEDETTO 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 an action for personal injury and wrongful death. The order granted the motion of defendants J&J Trucking, J&J Hauling, Inc., Joseph R. French 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