

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

519

CA 09-01532

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

TRACI BUTLER, PLAINTIFF-APPELLANT,

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. 2.)

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

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