

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

**747**

**CA 10-00069**

PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, AND SCONIERS, JJ.

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MICHAEL ROACH, INDIVIDUALLY AND AS  
REPRESENTATIVE OF THE ESTATE OF CATHERINE  
ROACH, DECEASED, ERIN K. ROACH, STEPHEN M.  
ROACH AND CHRISTOPHER D. ROACH,  
PLAINTIFFS-APPELLANTS,

V

ORDER

COACH USA, INC., ET AL., DEFENDANTS,  
J&J HAULING, INC. AND THE ESTATE OF  
ERNEST D. ZEISET, JR., DECEASED,  
DEFENDANTS-RESPONDENTS.  
(APPEAL NO. 2.)

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KELLY & LEONARD, L.L.P., BALLSTON SPA (LAWRENCE D'ALOISE OF COUNSEL),  
FOR PLAINTIFFS-APPELLANTS.

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

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Appeal from an order of the Supreme Court, Livingston County  
(Thomas M. Van Strydonck, J.), entered March 24, 2009. The order  
granted the motion of defendants J&J Hauling, Inc. and 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 (*see Butler v Stagecoach Group,*  
*PLC, 72 AD3d 1581*).

Entered: June 11, 2010

Patricia L. Morgan  
Clerk of the Court