

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: November 1, 2018

526136

CLAUDINE BEAUCHAMIN et al.,
Appellants,

v

AUTOBUS FLEUR DE LYS, INC.,
et al.,
Respondents,
et al.,
Defendants.

MEMORANDUM AND ORDER

Calendar Date: September 13, 2018

Before: Egan Jr., J.P., Clark, Mulvey, Aarons and Pritzker, JJ.

Weller, Green, Toups & Terrell, LLP, Beaumont, Texas
(Mitchell A. Toups of counsel) and Whatley Kallas, New York City
(Joe R. Whatley Jr. of counsel) and Paul Webb, PC, Wharton,
Texas (Vincent Lee Marable III admitted pro hac vice), for
appellants.

Wilson Elser Moskowitz Edelman & Dicker LLP, New York City
(Patrick L. Lawless of counsel), for respondents.

Pritzker, J.

Appeal from an order of the Supreme Court (Auffredou, J.),
entered June 5, 2017 in Essex County, which granted certain
defendants' motion to dismiss the complaint against them.

In July 2014, a motor coach bus carrying 56 individuals
was traveling southbound on Interstate 87 in the Town of North

Hudson, Essex County – heading from Quebec, Canada to New York City on a sightseeing expedition – when it struck a guardrail, careened down an embankment and rolled over, ultimately landing on its side. Numerous passengers were injured and one teenager died at the scene. In September 2016, a group of passengers, all Canadian residents, commenced this action against defendants, all Canadian residents or Canadian corporations, alleging negligence, negligent hiring and negligent supervision. Plaintiffs alleged that the accident occurred because defendant Rejean Perron, the operator of the bus, fell asleep. Perron was an employee of defendant Autobus Fleur de Lys, Inc., which leased the bus from defendant 9282-9621 Quebec, Inc. Defendant George Morissette was the owner and president of Autobus Fleur and 9282-9621 Quebec. In December 2015, following joinder of issue, Autobus Fleur, 9282-9621 Quebec, Morissette and Perron moved for, among other things, dismissal of the complaint pursuant to CPLR 327 on the ground of forum non conveniens. Supreme Court granted their motion, and plaintiffs appeal.

For the reasons stated in Claude v Autobus Fleur De Lys, Inc., ___ AD3d ___ [decided herewith]), we affirm.

Egan Jr., J.P., Clark, Mulvey and Aarons, JJ., concur.

ORDERED that the order is affirmed, with costs.

ENTER:



Robert D. Mayberger
Clerk of the Court