

Nov 2016 | [Firm News](#)

## Yankwitt Llp Wins Motion To Dismiss, Secures Complete Victory For Out-Of-State Client

Yankwitt LLP successfully moved to dismiss all claims against its client, Vermont Railway, Inc., in a personal injury action brought in federal court under the Federal Employers Liability Act. Vermont Railway is a Vermont corporation and the plaintiff was allegedly injured at a Vermont hotel. In its motion, Yankwitt LLP argued the court could not exercise personal jurisdiction over Vermont Railway under the New York long arm statute or as a matter of constitutional due process. On November 3, 2016, the Northern District of New York (Gary L. Sharpe, J.) agreed and granted the motion to dismiss, finding Yankwitt's papers "persuasive" that Vermont Railway is not subject to personal jurisdiction in New York because it is not at "home" in this state and its New York activities are not causally related to the plaintiff's claims, all of which arose out of an incident in Vermont. The case is *Pease v. Vermont Railway, Inc., et al.*, Case 1:16—cv—662 (GLS/CHF).