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publication in the New York Reports.

No. 19

Christine M. Stuto,
Appellant,

v.

Gregory G. Kerber et al.,
Defendants,

William J. McNeary III et al.,
Respondents.

Phillip G. Steck, for appellant.
John D. Hoggan, Jr., for respondents.

MEMORANDUM:

The order of the Appellate Division should be affirmed,
with costs.

Plaintiff Christine M. Stuto was employed by World
Media, Inc., a corporation organized under the laws of the State

of Delaware. In May 2006, after encountering financial difficulties, Wurld Media stopped paying plaintiff's salary. She continued working, however, in the hope that the corporation's financial position would improve. It did not, and the corporation closed. Plaintiff thereafter obtained a judgment against Wurld Media for unpaid wages and commenced this action against Wurld Media's ten largest shareholders to recover the unpaid wages pursuant to Business Corporation Law § 630. Supreme Court granted the motion of three defendant shareholders to dismiss the complaint on the ground that the statute does not apply to foreign corporations, and the Appellate Division affirmed.

We agree with the courts below that the plain language and history of Business Corporation Law § 630 (see Armstrong v Dyer, 268 NY 671 [1935]), as well as other relevant portions of the Business Corporation Law (see Business Corporation Law §§ 102 [a] [4], [7]; § 1319), reveal that section 630 applies to only domestic corporations, and not to foreign corporations.

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Order affirmed, with costs, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided February 16, 2012