

**Reynolds v Marriott Vacations Worldwide Corp.**

2025 NY Slip Op 30477(U)

February 7, 2025

Supreme Court, New York County

Docket Number: Index No. 155410/2024

Judge: Paul A. Goetz

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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

**PRESENT: HON. PAUL A. GOETZ PART 47**

*Justice*

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YVONNE REYNOLDS,

Plaintiff,

- v -

MARRIOTT VACATIONS WORLDWIDE CORPORATION,  
MARRIOT VACATION CLUB INTERNATIONAL, MARRIOT  
ARUBA SURF CLUB, ONE SPA WORLD, LLC., MARRIOT  
RESORTS TRAVEL COMPANY, INC., MVC TRUST  
OWNERS ASSOCIATION, MARRIOT RESORTS  
HOSPITALITY CORPORATION,

Defendants.

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**INDEX NO.** 155410/2024

**MOTION DATE** 11/08/2024,  
11/08/2024

**MOTION SEQ. NO.** 001 002

**DECISION + ORDER ON  
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 27, 28, 29, 30, 31, 32, 37, 39, 41

were read on this motion to/for DISMISS.

The following e-filed documents, listed by NYSCEF document number (Motion 002) 21, 22, 23, 24, 25, 26, 33, 34, 35, 36, 38, 40, 42, 43

were read on this motion to/for DISMISS.

In this personal injury action, in Motion Sequence #1, defendants MARRIOTT VACATIONS WORLDWIDE CORPORATION, MARRIOT VACATION CLUB INTERNATIONAL, MARRIOT ARUBA SURF CLUB, MARRIOT RESORTS TRAVEL COMPANY, INC. (d/b/a MVC EXCHANGE COMPANY), MVC TRUST OWNERS ASSOCIATION, MARRIOT RESORTS HOSPITALITY CORPORATION (collectively hereinafter the “Marriott Defendants”), move to dismiss the complaint for lack of personal jurisdiction. In Motion Sequence #2, defendants, ONE SPA WORLD LLC and MANDARA SPA at MARRIOTT’S ARUBA OCEAN CLUB s/h/a ONE SPA WORLD, LLC (d/b/a MANDARA SPA) (collectively hereinafter the “One Spa Defendants”) separately move to dismiss the complaint for lack of personal jurisdiction.

## DISCUSSION

“In opposing a motion to dismiss pursuant to CPLR § 3211(a)(8), plaintiff has the burden of presenting sufficient evidence, through affidavits and relevant documents, to demonstrate that jurisdiction over the defendants is warranted” (*Bangladesh Bank v Rizal Commercial Banking Corp.*, 226 AD3d 60, 73-74 [1st Dept 2024]). “[T]he two categories of personal jurisdiction that [New York courts] recognize, [are] general or all-purpose jurisdiction[ ] and specific or case-linked jurisdiction” (*Aybar v Aybar*, 37 NY3d 274, 288 [2021]). “The former permits a court to exercise jurisdiction over a defendant in connection with a suit arising from events occurring anywhere in the world, whereas the latter permits a court to exercise jurisdiction only where the suit arises out of or relates to the defendant's contacts with the forum state” (*id.* at 288-89).

“With respect to a corporation, the place of incorporation and principal place of business are paradigm ... bases for general jurisdiction because these are places where a corporation is fairly regarded as at home” (*id.* at 289). Here, it is undisputed that none of the defendants in this action are either incorporated, or have their principal place of business in New York (*see* NYSCEF Doc No 1 ¶ 1 – 7). Therefore, defendants are not subject to this court’s general jurisdiction and jurisdiction can only be attained through specific jurisdiction.

CPLR § 302 states:

- (a) Acts which are the basis of jurisdiction. As to a cause of action arising from any of the acts enumerated in this section, a court may exercise personal jurisdiction over any non-domiciliary, or his executor or administrator, who in person or through an agent:
  - (1) Transacts any business within the state or contracts anywhere to supply goods or services in the state; or
  - (2) Commits a tortious act within the state [ . . . ];
  - (3) Commits a tortious act without the state causing injury to a person or property within the state. . . if he:
    - (i) Regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from

- goods used or consumed or services rendered, in the state, or
- (ii) Expects or should reasonably expect the act to have consequences in the state and derives substantial revenue from interstate or international commerce; or
- (4) Owns, uses or possesses any real property situated within the state.

Plaintiff alleges that she suffered injuries at the Marriot Aruba Surf Club resort, located at 103 L.G. Smith Boulevard, Palm Beach, Aruba, when a massage chair she was sitting in collapsed (NYSCEF Doc No 1 ¶ 35). As the alleged tortious act did not take place in New York, CPLR § 302(a)(2) does not apply. Plaintiff also cannot establish jurisdiction under CPLR § 302(a)(3) because, to rely on this section the tortious act must have “caused an injury to a person or property in New York” and here it is undisputed that plaintiff sustained her alleged injury in Aruba (*Bangladesh Bank v Rizal Commercial Banking Corp.*, 226 AD3d 60, 83 [1st Dept 2024]). Further, plaintiff cannot establish jurisdiction under CPLR § 302(a)(4) because, “[t]he fact that the [defendants] may have owned property in New York at some time does not establish jurisdiction under CPLR 302 where, as here, the plaintiffs' negligence cause of action against the defendant did not arise out of such ownership of property” (*Hopstein v Cohen*, 143 AD3d 859, 860 [2d Dept 2016]).

As for jurisdiction under CPLR § 302(a)(1), “a court must decide whether the defendant transacts any business in New York and, if so, whether the cause of action asserted arises from such a business transaction (*Licci v Lebanese Can. Bank*, 20 NY3d 327, 328 [2012]). “The second prong of the jurisdictional inquiry requires that, in light of all the circumstances, there be an articulable nexus or substantial relationship between the business transaction and the claim asserted” (*id.*).


Here, plaintiff has failed to meet her burden of establishing jurisdiction pursuant to CPLR § 302. In opposition to the Marriot Defendants' motion, plaintiff argues that the Marriott Defendants are subject to jurisdiction because the Marriott brand owns and operated hotels within New York and includes a screenshot of the Marriot website advertising hotel rooms for rent in New York City (NYSCEF Doc No 32). In opposition to the One Spa Defendants' motion, plaintiff similarly includes a screenshot of the One Spa website advertising a spa in New York City (NYSCEF Doc No 35). Even assuming that the individual defendants have an ownership or operation interest in these facilities, thus satisfying the "transacting business in New York" prong of CPLR § 302(a)(1), plaintiff fails to establish how her cause of action, personal injuries from an allegedly defective massage chair at a resort in Aruba, arises from the operation of these New York hotels or spas. Consequently, plaintiff has failed to establish an "articulable nexus" or a "substantial relationship" between the business transactions and her claims and the court does not have personal jurisdiction over defendants.

Accordingly it is:

ORDERED that the motion of Marriott Defendants (MS#1) to dismiss the complaint is granted and the complaint is dismissed in its entirety as against them, with costs and disbursements to these defendants as taxed by the Clerk of the Court, and the Clerk is directed to enter judgment accordingly in favor of these defendants; and it is further

ORDERED that the motion of One Spa Defendants (MS#2) to dismiss the complaint is granted and the complaint is dismissed in its entirety as against them, with costs and disbursements to these defendants as taxed by the Clerk of the Court, and the Clerk is directed to enter judgment

accordingly in favor of these defendants.

  
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2/7/2025  
DATE

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PAUL A. GOETZ, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE