

## **Guido v. Inter-Continental Hotels Corp.**

(2d Cir. 2000)

An Egyptian, apparently for religious reasons, shot six persons, including three Americans, in a hotel in Egypt in October 1993. Two of the Americans died.

Their widows, and the surviving victim, sued in the Southern District of New York, where the hotel chain, a Delaware corporation, had its principal place of business.

The District Court dismissed the claim on the grounds of *forum non conveniens*.

The District Court applied “interest” reasoning, saying that Egyptian law governed, the Egyptians had an interest in protecting their tourist industry, and that suits by other (non-American victims) had been filed in Egypt.

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The Second Circuit reversed, holding that  
*“where a plaintiff sues in his or her home forum, a court is required to keep the case in the home forum unless the defendant can ‘establish such oppressiveness and vexation...as to be out of all proportion to the plaintiff’s convenience.’”*

The Second Circuit also emphasized the emotional burden on the Plaintiffs if they had to return to Egypt, because of their valid concerns about safety. (The perpetrator had subsequently escaped and killed nine additional foreign tourists.)

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