

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

\_\_\_\_\_  
JOSE AYBAR, ORLANDO GONZALES, JOSE  
AYBAR as Administrator of THE ESTATE OF  
CRYSTAL CRUZ-AYBAR, Jesenia Aybar as  
Administrator of THE ESTATE OF NOELIA  
OLIVERAS, Jesenia Aybar as Legal Guardian on  
behalf of KEILA CABRAL, a minor, Anna Aybar  
and Jessica Aybar as Proposed Administratrix of  
THE ESTATE OF TIFFANY CABRAL,

Index No. 703632/2017 [E-Filed]

*Previously* Index No. 9344/2014

Plaintiffs,

**NOTICE OF CROSS-MOTION**

- against -

***Oral Argument Requested***

US TIRE AND WHEELS OF QUEENS, LLC,  
Defendant.

\_\_\_\_\_  
US TIRE AND WHEELS OF QUEENS, LLC,  
Third-Party Plaintiff,

- against -

THE GOODYEAR TIRE & RUBBER COMPANY;  
GOODYEAR DUNLOP TIRES NORTH  
AMERICA, LTD; and FORD MOTOR COMPANY,  
Third-Party Defendants.

**COUNSELORS:**

**PLEASE TAKE NOTICE**, that upon the Affirmation of WALSY KARINA SAEZ AGUIRRE, ESQ. dated February 15, 2019, and upon all the pleadings and proceedings heretofore had and held herein, Third-Party Defendant FORD MOTOR COMPANY ("Ford") will cross-move this Court at the Queens County Courthouse, Part 12, Courtroom 42, located at 88-11 Sutphin Boulevard, Jamaica, New York 11435, on the 26<sup>th</sup> day of February at 9:30 a.m., or

as soon thereafter as counsel may be heard, for an Order:

- (i) dismissing the Third-Party Complaint of Third-Party Plaintiff US Tire and Wheels of Queens, LLC ("US Tire") against Ford, pursuant to C.P.L.R. § 3211(a)(8), due to lack of personal jurisdiction; and
- (ii) for such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that answering affidavits, if any, are required to be served upon the undersigned at least seven (7) days prior to the return date of this motion, pursuant to C.P.L.R. § 2214(b).

Dated: New York, New York  
February 15, 2019

Yours, etc.



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