

## **Exhibit 3**

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

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JOSE AYBAR, ORLANDO GONZALES, JOSE  
AYBAR as Administrator of THE ESTATE OF  
CRYSTAL CRUZ-AYBAR, JESENIA AYBAR as  
Administratrix of THE ESTATE OF NOELIA  
OLIVERAS, JESENIA AYBAR as LEGAL  
GUARDIAN on behalf of K.C., a minor, ANNA  
AYBAR and JESENIA AYBAR as Administratrix of  
THE ESTATE OF T.C., a minor,

Plaintiffs,

**AFFIRMATION OF  
JOSEPH G. DANCY**

INDEX No. 703632/2017

v.

US TIRES AND WHEELS OF QUEENS, LLC,

Defendant.

----- X  
US TIRES AND WHEELS OF QUEENS, LLC,

Third-Party Plaintiff,

v.

THE GOODYEAR TIRE & RUBBER COMPANY,  
GOODYEAR DUNLOP TIRES NORTH AMERICA,  
LTD., and FORD MOTOR COMPANY,

Third-Party Defendants.

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I, Joseph G. Dancy, declare as follows:

1. My name is Joseph G. Dancy. I am over the age of 18, have personal knowledge of the matters set forth in this declaration, unless otherwise stated, and if called as a witness I would be competent to testify to the matters in this declaration. The facts stated in this declaration are true and correct.

2. I hold a Bachelor of Science degree from the United States Naval Academy, Annapolis, Maryland. For the past 24 years I have been employed by The Goodyear Tire & Rubber Company ("Goodyear") in various positions involving tire manufacturing, design, engineering, testing and development. Currently, I am a Chief Tire Analysis Engineer in Goodyear's Global

Product Analysis Department. My responsibilities include inspecting tires that have been sent to Goodyear as a result of tire disablements, in order to determine the cause of the problem, if possible.

3. By virtue of my tenure with Goodyear, I am generally familiar with Goodyear's United States business operations, its relationship with company-owned and authorized retailers that sell Goodyear tires, and the location of Goodyear's businesses, including its manufacturing facilities.<sup>1</sup> I am also familiar with the records that Goodyear keeps on the tires it manufactures.

4. Goodyear was incorporated in the State of Ohio and its principal place of business is located at 200 Innovation Way, Akron, Ohio. Goodyear is in the business of designing and manufacturing original equipment and replacement tires, such as passenger and light truck tires, commercial truck tires, aircraft tires, off-road tires, race tires and tires for specialized applications.

5. The tire at issue in this case is a P245/70R16 Goodyear Wrangler AP tire bearing DOT # MK9L3NER0402 ("subject tire"). The subject tire was designed in Akron, Ohio by Goodyear. According to the tire's DOT serial number, the subject tire was manufactured at Goodyear's Union City, Tennessee plant in the 4th week of 2002.

6. Unlike Vehicle Identification Numbers ("VINs"), DOT serial numbers do not track ownership of a tire. Thus, Goodyear has no knowledge as to how or when the subject tire first entered the State of New York as claimed by plaintiff, nor does it possess any information that Goodyear was involved in the sale of the subject tire in the State of New York, if any.

7. Goodyear currently operates a chemical plant located in Niagara Falls, New York. This plant did not manufacture P245/70R16 Wrangler AP tires, including the subject tire, or any component parts thereof.

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<sup>1</sup> Goodyear Dunlop Tires North America, Ltd. was originally named as a third-party defendant in this action, but subsequently dismissed from the case by Court Order dated October 23, 2017. As such, it is no longer a party to this action.

8. At all relevant times, P245/70R16 Wrangler AP tires were and have been designed, tested, manufactured or inspected by Goodyear outside of New York.

9. Goodyear's advertisements, marketing and sales activities regarding the P245/70R16 Wrangler AP tire, and any other tire, are not, and never have been, directed specifically at the State of New York or New York residents. Any warnings or instructions related to the tire emanated and/or would have emanated from outside of New York, as well.

10. According to the Third-Party Complaint, US Tire and Wheels of Queens, LLC ("USTW") inspected and installed the subject tire on the Ford Explorer at issue, on or about June 17, 2012.<sup>2</sup>

11. A tire retailer or dealer is not an "authorized Goodyear dealer" or "authorized Goodyear service center" unless it has entered into a specific contractual arrangement with Goodyear actually authorizing such a relationship.

12. USTW is not a Goodyear-authorized dealer, nor was it a Goodyear authorized dealer at any time material hereto.

13. USTW is not a Goodyear-authorized service center, nor was it authorized by Goodyear to represent or refer to itself as such at any time material hereto.

14. USTW is not a recognized member of the authorized Goodyear Tire & Service Network, nor has it been authorized by Goodyear to represent or refer to itself as such at any time material hereto.

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct.

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<sup>2</sup> Third-Party Complaint, Exh. A (Amended Verified Complaint), ¶¶19-22.

Executed this 14 day of May, 2018 at Akron, Ohio.

Joseph L. Dancy

Subscribed and sworn to before me on this 14 day of May, 2018.

Elaine M. Horst  
Notary Public for the State of Ohio

My Commission Expires: 7/29/2019



Elaine M. Horst  
Resident Summit County  
Notary Public, State of Ohio  
My Commission Expires: 07/29/2019