

## **Exhibit 4**

ORIGINAL

Short Form Order

## NEW YORK SUPREME COURT - QUEENS COUNTY

Present: HONORABLE DENIS J. BUTLER  
JusticeIAS Part 12

-----x  
 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.,

Plaintiff(s),

-against-

US TIRES AND WHEELS OF QUEENS, LLC,,

Defendant(s).

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

Third-Party Plaintiff,

-agaist-

THE GOODYEAR TIRE & RUBBER COMPANY  
and FORD MOTOR COMPANY,Third-Party Defendant.  
-----xIndex  
Number: 9344/2014Motion Date:  
July 20, 2017Motion Seq. No. 13

The following papers numbered 1 to 6 were read on this motion by  
 third-party defendant, The Goodyear Tire & Rubber Company, for an  
 order staying the proceedings.

Papers  
Numbered

Notice of Motion, Affirmation.....E23-24

Upon the foregoing papers it is ordered that the unopposed motion is determined as follows:

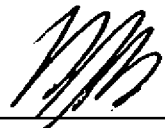
Third-Party Defendant in the above-captioned action, The Goodyear Tire & Rubber Company ("Goodyear"), seeks a stay of this action pursuant to CPLR § 2201 and 5519(c), while Goodyear pursues its appeals of this Court's decisions (Rafaele, J.) denying Goodyear's motions to dismiss for lack of personal jurisdiction in two other actions (Index No. 706908/2015 and Index No. 706909/2015). The three actions relate to the same single-vehicle accident. In the instant action, Defendant U.S. Tires and Wheels of Queens LLC asserts third party claims against Goodyear. In the other two actions, Plaintiffs sue Goodyear directly.

Goodyear advises the Court that the instant action was previously joined for purposes of discovery with the two actions now under appeal. Goodyear contends that "the Second Department's imminent decision in the Appeal will constitute binding authority on the instant action, potentially resulting in the dismissal of Goodyear altogether." However, Goodyear does not articulate how this could be so. According to Goodyear, the appeals will resolve whether this Court has general personal jurisdiction over Goodyear, the trial court having already found a lack of specific jurisdiction with respect to Plaintiffs' products liability claims. But the above-captioned matter appears to involve different claims against Goodyear by a different party - namely, Defendant/Third Party Plaintiff Tires and Wheels of Queens LLC - who may very well be able to demonstrate specific jurisdiction over Goodyear. Goodyear does not indicate whether it has even raised lack of personal jurisdiction as a defense against the third party claims in this action.

Accordingly, the motion for a stay is DENIED.

This constitutes the Decision and Order of the Court.

Dated: August 2, 2017

  
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Denis J. Butler, J.S.C.

