

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 : Index No. 703632/2017 [E-Filed]  
THE ESTATE OF TIFFANY CABRAL,  
  
Plaintiffs, : Previously Index No. 9344/2014  
  
v. : **NOTICE OF MOTION**  
  
US TIRE AND WHEELS OF QUEENS, LLC, : **ORAL ARGUMENT**  
**REQUESTED**  
  
Defendant.  
  
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US TIRE AND WHEELS OF QUEENS, LLC, :  
  
Third-Party Plaintiff, :  
  
v. :  
  
THE GOODYEAR TIRE & RUBBER COMPANY :  
and GOODYEAR DUNLOP TIRE NORTH :  
AMERICA, LTD and FORD MOTOR COMPANY :  
  
Third-Party Defendants. :  
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**PLEASE TAKE NOTICE** that, upon the accompanying Affirmation in Support of Third-Party Defendant The Goodyear Tire & Rubber Company's Motion to Dismiss, dated May 15, 2018, upon all of the exhibits annexed thereto, and upon all pleadings and proceedings heretofore had herein, the undersigned will move this Court at the Queens County Courthouse, Centralized Motion Part, Courtroom 25, located at 88-11 Sutphin Blvd., Jamaica, NY 11435, on June 8, 2018, at 11:00 a.m., or as soon thereafter as counsel can be heard, for an Order dismissing with prejudice the Third-Party Complaint of Third-Party Plaintiff US Tire and Wheels of Queens, LLC pursuant to N.Y. C.P.L.R. 3211(a)(7) and (8), and for such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to New York Civil Practice Law and Rules 2214(b), answering papers and any notice of cross-motion, with supporting papers, if any, shall be served upon the undersigned at least seven (7) days before the return date of this motion.

Dated: May 15, 2018

**DLA PIPER LLP (US)**

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