

# Exhibit B



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April 6, 2018

*BY HAND & US MAIL*

The Hon. John M. Leventhal, J.P.  
Supreme Court, State of New York  
Appellate Division, Second Judicial Department  
45 Monroe Place  
Brooklyn, New York 11201

**Re:    *Jose Aybar, et al. v. The Goodyear Tire & Rubber Company, et al.***  
**Docket No.: 2016-07396**  
**Queens County Index No.: 706908/2015**

Dear Justice Leventhal:

We represent Defendant-Appellant Goodyear in the above referenced appeal (the “Jose Aybar Appeal”), and write on behalf of all parties.

On March 26, 2018, Your Honor presided over a panel that heard oral argument on two appeals that are identical to the Jose Aybar matter for purposes of appeal: *Anna Aybar, et al. v. Jose A. Aybar, et al.*, Docket No. 2016-06194 and No. 2016-07397 (the “Anna Aybar Appeal.”) Significantly, the Anna Aybar and Jose Aybar Appeals present the same legal questions for appellate review, based upon substantively identical briefing to the Court. The Aybar Appeals involve the same essential parties and counsel, arise out of the same factual circumstances, and are appeals from virtually identical May 25, 2016 Orders by The Honorable Thomas D. Raffaele regarding general personal jurisdiction over corporate defendant(s).

Oral argument has not yet been specifically scheduled on the Jose Aybar Appeal, but we believe that may have been inadvertent oversight, given the identical nature of the Aybar actions for purposes of appeal. The parties are in agreement in respectfully requesting that the decision ultimately rendered in the Anna Aybar Appeal (including oral argument from March 26<sup>th</sup>) should apply jointly to the Jose Aybar Appeal, as well.

Alternatively, the parties believe that submitting the Jose Aybar Appeal without oral argument and to the same panel that heard the Anna Aybar Appeal is the most efficient use of judicial resources. As such, the parties are prepared to submit the Jose Aybar Appeal without oral argument pursuant to Second Department Rule 670.20(h), and respectfully request that this appeal be determined by the same panel over which you presided on March 26<sup>th</sup>.



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Of course, the parties remain available at the Appellate Division's discretion and welcome any additional guidance.

Very truly yours,

**DLA Piper LLP (US)**

A handwritten signature in blue ink, appearing to read 'Kevin W. Rethore', with a long horizontal flourish extending to the right.

Kevin W. Rethore

cc: *Via US Mail and Fax to (646) 963-6460:*  
Aprilanne Agostino, Clerk of the Court

*Via Email:*

Jay L. T. Breakstone, Esq. (for Respondent(s))  
Adam Calvert, Esq. (for Non-Party Respondent(s))  
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