

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

X
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]

Plaintiffs,

Previously Index No. 9344/2014

- against -

NOTICE OF CROSS-MOTION

Oral Argument Requested

US TIRE AND WHEELS OF QUEENS, LLC,
Defendant.

X
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.

X

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 26th 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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