

EXHIBIT

"I"

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 Administratrix of the Estate of
NOELIA OLIVERAS, JESENIA AYBAR as a legal
Guardian on behalf of K. C., a minor, ANNA
AYBAR and JESENIA AYBAR as Proposed Administratrix
Of the Estate of T. C.

Index: 703632/17

NOTICE OF ENTRY

Plaintiffs,

- against-

US TIRES AND WHEELS OF QUEENS, LLC.

Defendant,

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

Third-Party Plaintiff,

-against-

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

Third-Party Defendants,
-----X

PLEASE TAKE NOTICE, that the within is a true copy of an Order dated August 2,
2017 duly entered in the office of the clerk on August 15, 2017.

Dated: New York, New York
August 29, 2017

Yours, etc.

OMRANI & TAUB, P.C.
By: Michael A. Taub, Esq.
Attorney(s) for Plaintiff
909 Third Avenue, 28th Floor
New York, New York 10022
(212) 599-5550

To: MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN
Attn: Adam C. Calvert, Esq.
Attorney(s) for Defendant in Action #1
US TIRES AND WHEELS OF QUEENS, LLC.
Wall Street Plaza
88 Pine Street, 21st Floor
New York, NY 10005
(212) 376-6400

CC: AARONSON RAPPAPORT
FEINSTEIN & DEUTSCH, LLP
Attorneys for Defendant(s)
FORD MOTOR COMPANY
600 Third Avenue
New York, NY 10016
(212) 593-6700

DLA PIPER LLP
Attorneys for Defendants
THE GOOD YEAR TIRE & RUBBER CO.
1251 Avenue of Americas, 27th Floor
New York, NY 10020
(212) 335-4500

MONTFORT, HEALY, McGUIRE & SALLEY, LLP
Attorney for Defendant
JOSE AYBAR, Jr.
840 Franklin Avenue
Garden City, NY 11530
(516) 747-4082

CERTAIN & ZILBERG, PLLC
Attorney(s) for co-plaintiff in Actions #1 and #2
JOSE AYBAR
909 Third Avenue, Suite 2803
New York, NY 10022
(212) 687-7800

ORIGINAL

Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: HONORABLE DENIS J. BUTLER
Justice

IAS Part 12

703632/17

-----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.,

Index
Number: 9344/2014

Motion Date:
July 20, 2017

Motion Seq. No. 13

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.
-----x

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.

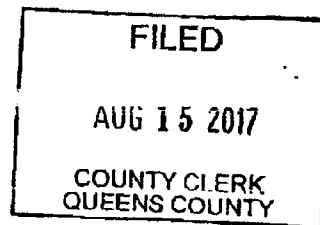
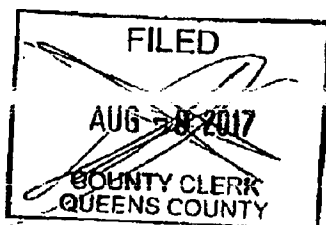
Accordingly, the motion for a stay is DENIED.

This constitutes the Decision and Order of the Court.

Dated: August 2, 2017



Denis J. Butler, J.S.C.



Affidavit of Service by Mail

STATE OF NEW YORK

}

} ss:

COUNTY OF QUEENS

}

MARIA COLÓN, being duly sworn, deposes and says:

That deponent is not a party to this action, is over the age of eighteen years and resides in the state of New York.

That on the 29th day of August, 2017 at approximately 4:30 P.M., deponent served the within **ORDER WITH NOTICE OF ENTRY** upon:

MARSHALL J. DENNEHEY WARNER
COLEMAN & GOGGIN
Attn: Adam C. Calvert, Esq.
Attorney(s) for Defendant in Action #1
US TIRES AND WHEELS OF QUEENS, LLC.
Wall Street Plaza
88 Pine Street, 21st Floor
New York, NY 10005

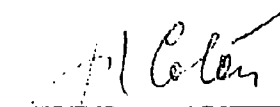
**AARONSON RAPPAPORT
FEINSTEIN & DEUTSCH, LLP**
Attorneys for Defendant(s)
FORD MOTOR COMPANY
600 Third Avenue
New York, NY 10016

DLA PIPER LLP
Attorneys for Defendants
THE GOOD YEAR TIRE & RUBBER CO.
1251 Avenue of Americas, 27th Floor
New York, NY 10020

MONTFORT, HEALY, McGUIRE & SALLEY, LLP
Attorney for Defendant
JOSE AYBAR, Jr.
840 Franklin Avenue
Garden City, NY 11530

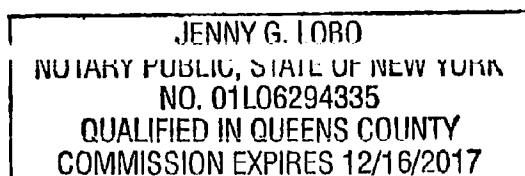
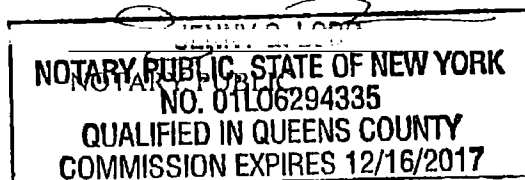
CERTAIN & ZILBERG, PLLC
Attorney(s) for co-plaintiff in Actions #1 and #2
JOSE AYBAR
909 Third Avenue, Suite 2803
New York, NY 10022

counsel for the Defendant(s) in the action herein, by enclosing a true copy of same in a postpaid wrapper properly addressed to the above, and depositing said wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service within the State of New York by REGULAR mail.



MARIA COLÓN

Sworn and subscribed to before me
on this 29th day of August, 2017



Index No.: 703632

Year: 2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

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 KEILA CABRAL, a minor, ANNA
AYBAR and JESENIA AYBAR as Administratrix of THE ESTATE OF TIFFANY CABRAL

*Plaintiffs,**-against-*

US TIRES AND WHEELS OF QUEENS, LLC.

Defendant.

ORDER WITH NOTICE OF ENTRY

OMRANI & TAUB, P.C.

Attorneys for: PLAINTIFF
909 THIRD AVENUE -- 28TH FLOOR
NEW YORK, NEW YORK 10022
TEL: (212) 599-5550

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed documents are not frivolous.

Dated: August 29, 2017
New York, New York

Signature 
Printed Name: MICHAEL A. TAUB, ESQ.

PLEASE TAKE NOTICE

☐ NOTICE OF ENTRY that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on 20__

☐ NOTICE OF SETTLEMENT that an Order of which the within is a true copy will be presented for settlement to the
Hon. at
on 200__ , at M.

OMRANI & TAUB, P.C.

Attorneys for: PLAINTIFF
909 THIRD AVENUE-28TH FLOOR
NEW YORK, NEW YORK 10022



NYSCEF - Queens County Supreme Court Confirmation Notice



This is an automated response for Supreme Court / Court of Claims cases. The NYSCEF site has received your electronically filed document(s) for:

JOSE AYBAR et al - v. - US TIRES AND WHEELS OF QUEENS, LLC et al

703632/2017

Assigned Judge: Denis Butler

Documents Received on 08/29/2017 05:21 PM

Doc #	Document Type	Motion #
44	NOTICE OF ENTRY Does not contain an SSN or CPI as defined in 202.5(e) or 206.5(e)	013

Filing User

Name:	MICHAEL ANDREW TAUB		
Phone #:	E-mail Address:	mtaub@omraniandtaub.com	
Fax #:	Work Address:	909 3RD AVE FL 28 NEW YORK, NY 10022	

E-mail Notifications

An e-mail notification regarding this filing has been sent to the following address(es) on 08/29/2017 05:21 PM:

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TAUB, MICHAEL ANDREW - mtaub@omraniandtaub.com

ZILBERG, MICHAEL - mzilberg@certainlaw.com

NOTE: If submitting a working copy of this filing to the court, you must include as a notification page firmly affixed thereto a copy of this Confirmation Notice.

Audrey I. Pheffer, Queens County Clerk and Clerk of the Supreme Court - apheffer@nycourts.gov

Phone: 718-298-0173, 718-298-0601 Website: <https://www.nycourts.gov/COURTS/11jd/queensclerk>

NYSCEF Resource Center - EFile@nycourts.gov

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