

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 LEGAL :
 GUARDIAN on behalf of K.C., a minor, ANNA :
 AYBAR and JESENIA AYBAR as Administratrix of :
 THE ESTATE OF TIFFANY CABRAL,

Plaintiffs,

v.

US TIRE AND WHEELS OF QUEENS, LLC,

Defendant.

----- X
 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.

----- X

Index No. 703632/2017 [E-Filed]

Previously Index No. 9344/2014

**AMENDED NOTICE OF
MOTION****ORAL ARGUMENT
REQUESTED**

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, Part 12, Courtroom 42, located at 88-11 Sutphin Blvd., Jamaica, NY 11435, on June 12, 2018, at 9:30 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)

By: /s/ Kevin W. Rethore
Kevin W. Rethore
Neal F. Kronley
1251 Avenue of the Americas – 27th Floor
New York, New York 10020
Phone: (212) 335-4500
Fax: (212) 335-4501
*Attorneys for Third-Party Defendant,
The Goodyear Tire & Rubber Company*

TO: Omrani & Taub, P.C.
16 Court Street, 28th Floor
Brooklyn, NY 11241
Attorneys for the Plaintiffs

Marshall Dennehy Warner Coleman & Coggin
Wall Street Plaza
88 Pine Street, 21st Floor
New York, NY 10005
*Attorneys for Defendant/Third-Party Plaintiff,
U.S. Tire and Wheels of Queens, LLC*

Certain & Zilberg, P.C.
909 Third Avenue – 28th Floor
New York, NY 10022
*Attorneys for Third-Party Defendant,
Jose A. Aybar, Jr.*

Aaronson, Rappaport, Feinstein & Deutsch, LLP
600 Third Avenue
New York, NY 10016
*Attorneys for Third-Party Defendant,
Ford Motor Company*

Montfort, Healy, McGuire & Salley
840 Franklin Avenue
P.O. Box 7677
Garden City, NY 11530-7677
Attorneys for Third-Party Defendant,
Jose A. Aybar, Jr.