

# **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

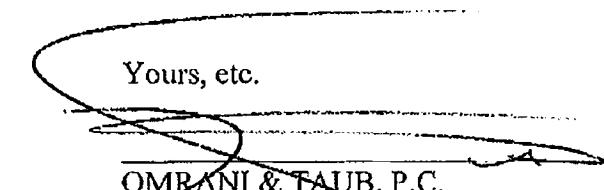
Third-Party Defendants,

-----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, 28<sup>th</sup> 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  
FLEINSTEIN & DEUTSCH, LLP  
*Attorneys for Defendant(s)*  
**FORD MOTOR COMPANY**  
600 Third Avenue  
New York, NY 10016  
(212) 592-6700

**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

FILED: QUEENS COUNTY CLERK 08/15/2017 02:58 PM

NYSCEF DOC. NO. 43

INDEX NO. 703632/2017

RECEIVED NYSCEF: 08/15/2017

Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

ORIGINAL

Present: HONORABLE DENIS J. BUTLER IAS Part 12  
Justice

-----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.,

Plaintiff(s),

-against-

US TIRES AND WHEELS OF QUEENS, LLC.,

Defendant(s).

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

Third-Party Plaintiff,

-against-

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.

NYSCEF DOC. NO. 103

RECEIVED NYSCEF: 06/05/2018

**FILED: QUEENS COUNTY CLERK 08/15/2017 02:58 PM**

INDEX NO. 703632/2017

NYSCEF DOC. NO. 43

RECEIVED NYSCEF: 08/15/2017

Papers  
Numbered  
E23-24

## Notice of Motion, Affirmation.....

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.

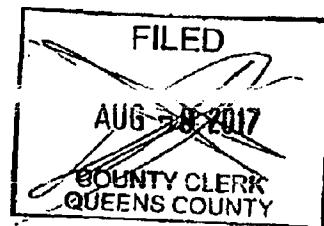
Goodyear advises the Court that the instant action was previously joined for purposes of discovery with the two actions now under appeal. Goodyear contends that "the Second Department's imminent decision in the Appeal will constitute binding authority on the instant action, potentially resulting in the 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.

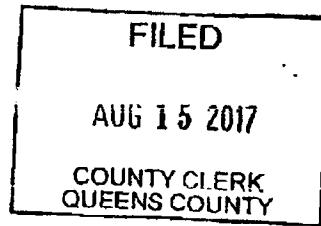
This constitutes the Decision and Order of the Court.

Dated: August 2, 2017

Denis J. Butler, J.S.C.



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**FILED: QUEENS COUNTY CLERK 08/29/2017 05:21 PM**

NYSCEF DOC. NO. 44

INDEX NO. 703632/2017

RECEIVED NYSCEF: 08/29/2017

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

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

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

NYSCEF DOC. NO. 103

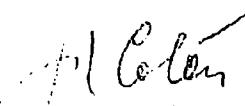
RECEIVED NYSCEF: 06/05/2018  
INDEX NO. 703632/2017

**FILED: QUEENS COUNTY CLERK 08/29/2017 05:21 PM**

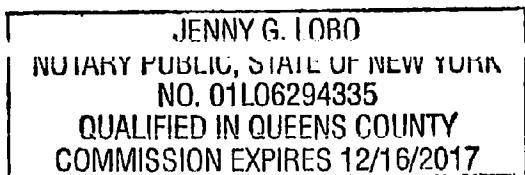
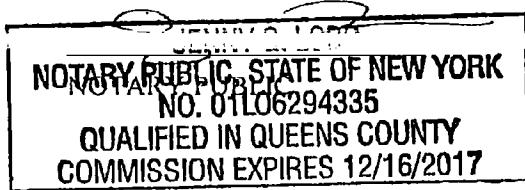
NYSCEF DOC. NO. 44

RECEIVED NYSCEF: 08/29/2017

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 29<sup>th</sup> 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 Adminstratrix 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 ... 28<sup>TH</sup> 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-28<sup>TH</sup> 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

<b>Doc #</b>	<b>Document Type</b>	<b>Motion #</b>
44	NOTICE OF ENTRY	013

Does not contain an SSN or CPI as defined in 202.5(e) or 206.5(e)

**Filing User**

## 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:

**CALVERT, ADAM CHRISTOPHER** - accalvert@mdwcg.com  
**COUTO, PETER JOHN** - Peter.Couto@dlapiper.com  
**FAZIO, PETER JOSEPH** - pjfazio@arfdlaw.com  
**SAEZ AGUIRRE, WALSY K.** - wksaez@arfd.com  
**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](mailto:apheffer@nycourts.gov)**  
Phone: 718-298-0173, 718-298-0601      Website: <https://www.nycourts.gov/COURTS/11jd/queensclerk>

**NYSCEF Resource Center - EFile@nycourts.gov**  
**Phone: (646) 386-3033 Fax: (212) 401-9146 Website: www.nycourts.gov/efile**