

**Ramlogan v Akebono Brake Corp.**

2021 NY Slip Op 34292(U)

March 19, 2021

Supreme Court, New York County

Docket Number: Index No. 190085/2020

Judge: Adam Silvera

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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

<b>PRESENT:</b>	<u><b>HON. ADAM SILVERA</b></u>	<b>PART</b>	<b>IAS MOTION 13</b>
	<i>Justice</i>		
-----X		<b>INDEX NO.</b>	<u>190085/2020</u>
SUSCILLE RAMTAHAL RAMLOGAN,		<b>MOTION DATE</b>	<u>09/03/2020</u>
Plaintiff,		<b>MOTION SEQ. NO.</b>	<u>003</u>

- v -

AKEBONO BRAKE CORPORATION, AKEBONO BRAKE INDUSTRY, LTD., ARVIN MERITOR, INC. INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO AUTOMTIVE SEGMENT OF ROCKWELL INTERNATIONAL, AUTOZONE, INC.,BLUE BIRD BODY COMPANY, BLUE BIRD CORPORATION, BORGWARNER MORSE TEC LLC,BP AMOCO CHEMICAL COMPANY, F/K/A AMOCO CHEMICALS CORP., BP PRODUCTS NORTH AMERICA, INC. F/K/A AMOCO CHEMICALS CORP., BWDAC, INC.,F/K/A BWD AUTOMOTIVE CORPORATION, CARLISLE INDUSTRIAL BRAKE & FRICTION, INC.,F/K/A CARLISLE INDUSTRIAL BRAKE & FRICTION , INC. F/K/A MOTION CONTROL INDUSTRIES, INC.,F/K/A CARLISLE AND MOLDED MATERIALS CO., CHEVRON U.S.A., INC.,CONTINENTAL AUTOMOTIVE SYSTEMS, INC. F/K/ACONTINENTAL TEVES INC.,CORPORATION MICRO BIRD, INC.,AS SUCCESSOR IN INTEREST TO GIRARDIN MINIBUS, INC.,DCO LLC,FORMERLY KNOWN AS DANA COMPANIES, LLC,EMPIRE ACE INSULATION MANUFACTURING CORP., EXXON MOBIL CORPORATION, INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO EXXON CORPORATION, STANDARD OIL COMPANY, AND MOBIL OIL COMPANY, FMC CORPORATION, ON BEHALF OF ITS FORMER PEERLESS PUMP AND CHICAGO PUMP BUSINESSES, FORD MOTOR COMPANY, FOSTER WHEELER LLC AS SURVIVOR TO THE MEGER WITH FOSTER WHEELER CORPORATION, GENERAL ELECTRIC COMPANY, GENUINE PARTS COMPANY, GOULDS PUMPS, LLC,GRINNELL LLC,HENNESSY INDUSTRIES INC.,HONEYWELL INTERNATIONAL, INC. FKA ALLIED SIGNAL, INC/BENDIX, HOWDEN BUFFALO INC. INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO BUFFALO FORGE COMPANY, INGERSOLL RAND COMPANY, ITT CORPORATION INC.,F/K/A ITT INDUSTREIES INC.,INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO BELL & GOSSETT COMPANY AND KENNEDY VALVE MANUFACTURING CO., INC.,LUK CLUTCH SYSTEMS, LLC,MCCORD CORPORATION, MERCEDES BENZ USA, LLC,NAVISTAR INTERNATIONAL CORPORATION (F/K/A INTERNATIONAL TRUCK AND

**DECISION + ORDER ON MOTION**

ENGINE CORPORATION, F/K/A NAVISTAR INTERNATIONAL TRANSPORTATION COMPANY, F/K/A INTERNATIONAL HARVESTER COMPANY), NISSAN NORTH AMERICA, INC., O'REILLY AUTO ENTERPRISES, LLC, O'REILLY AUTOMOTIVE STORES, INC., PNEUMO ABEX CORPORATION, THE MARLEY-WYLAIN COMPANY, INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO THE WEIL-MCLAIN COMPANY INC., THE PEP BOYS, MANNY, MOE, AND JACK OF CALIFORNIA INC., TOYOTA MOTOR CORPORATION, TOYOTA MOTOR NORTH AMERICA, INC., TOYOTA MOTOR SALES U.S.A. INC., TOYOTA TRINIDAD AND TOBAGO LIMITED, TRANE US INC FKA AMERICAN STANDARD INC INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO KEWANEE BOILER CORPORATION, UNION CARBIDE CORPORATION, VIACOMCBS, INC., F/K/A CBS CORPORATION, A DELAWARE CORPORTION, F/K/A VIACOM, INC., SUCCESSOR BY MERGER TO CBS CORPORATION, A PENNSYLVANIA CORPORATION, F/K/A WESTINGHOUSE ELECTRIC CORPORATION, WESTERN AUTO SUPPLY COMPANY

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 003) 116, 117, 118, 119, 120, 121, 122, 123

were read on this motion to/for DISMISSAL.

Upon the foregoing documents, it is ordered that defendant Toyota Trinidad and Tobago Ltd.'s motion to dismiss is granted for the reasons set forth below. In this asbestos action, moving defendant seeks to dismiss the complaint, pursuant to CPLR §3211(a)(8), against it arguing that it is a car dealership in Trinidad and Tobago with no connection to New York. No opposition was filed.

Here, based upon the papers, moving defendant has established that it is a business that conducts business solely in Trinidad and Tobago, does not conduct business in New York and does not employ personnel in New York. Moving defendant has further established that it is located solely in Trinidad and Tobago, has no offices in New York, does not produce, market,

manufacture, deliver, distribute, supply, purchase, or sell products in New York, such that the Court lacks personal jurisdiction over it pursuant to CPLR §§302(a) and 3211(a)(8). Thus, moving defendant's motion to dismiss for lack of personal jurisdiction is granted without opposition.

Accordingly, it is

ORDERED that defendant Toyota Trinidad and Tobago Ltd.'s motion to dismiss the complaint is granted without opposition and the complaint is dismissed as against such defendant only, with costs and disbursements to said defendant as taxed by the Clerk of the Court, and the Clerk is directed to enter judgment accordingly in favor of said defendant; and it is further

ORDERED that any and all cross-claims against said defendant is dismissed, and the action is severed and continued against the remaining defendants; and it is further

ORDERED that the caption be amended to reflect the dismissal and that all future papers filed with the court bear the amended caption; and it is further

ORDERED that counsel for the moving party shall serve a copy of this order with notice of entry upon the Clerk of the Court (60 Centre Street, Room 141B) and the Clerk of the General Clerk's Office (60 Centre Street, Room 119), who are directed to mark the court's records to reflect the change in the caption herein; and it is further

ORDERED that such service upon the Clerk of the Court and the Clerk of the General Clerk's Office shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the "E-Filing" page on the court's website at the address [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)); and it is further

ORDERED that within 30 days of entry, defendant Toyota Trinidad and Tobago Ltd.

shall serve a copy of this decision/order upon all parties with notice of entry.

This constitutes the Decision/Order of the Court.

3/19/2021  
DATE

  
ADAM SILVERA, J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	DENIED	<input type="checkbox"/>
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER		SUBMIT ORDER	<input type="checkbox"/>
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		FIDUCIARY APPOINTMENT	<input type="checkbox"/>
					<input type="checkbox"/>
					OTHER
					REFERENCE