

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

-----X	:	
	:	
JERRY CADIGAN and NANCY CATON	:	
CADIGAN, as the Proposed Administrators of the	:	
Estate of TREVOR NORRIS CADIGAN,	:	ANSWER TO THE SECOND
Deceased,	:	AMENDED COMPLAINT
	:	
Plaintiffs,	:	Index No. 152286/2018
	:	
-against-	:	
	:	
LIBERTY HELICOPTERS, INC., a New York	:	
Corporation; NY ON AIR LLC, a New Jersey	:	
Limited Liability Company, FLYNYON LLC, a	:	
New Jersey Limited Liability Company;	:	
MERIDIAN CONSULTING I CORPORATION,	:	
INC., a Delaware Corporation; RICHARD	:	
ZEMKE VANCE, a Connecticut resident;	:	
AIRBUS HELICOPTERS, S.A.S., a French	:	
Corporation; AIRBUS HELICOPTERS, INC., a	:	
Delaware Corporation; and APICAL	:	
INDUSTRIES, INC. d/b/a/ DART AEROSPACE,	:	
a California Corporation,	:	
	:	
Defendants.	:	
-----X	:	

Defendants, NY ON AIR LLC and FlyNYON LLC answer the Second Amended

Complaint as follows:

INTRODUCTION PERTAINING TO ALL CAUSES OF ACTION

PLAINTIFFS

1. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph one of the Second Amended Complaint, except they admit that there was a helicopter crash that occurred on March 11, 2018 in New York, New York, and admit that Trevor Norris Cadigan was killed.

2. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph two of the Second Amended Complaint, except they admit that there was a helicopter crash that occurred on March 11, 2018 in New York, New York, and that Trevor Norris Cadigan was killed.

3. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph three of the Second Amended Complaint, and aver that the allegation in paragraph three of the Second Amended Complaint that the Letters of Administration remain in full force and effect is a legal conclusion to which no response is necessary.

PLAINTIFFS' DECEASED

4. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph four of the Second Amended Complaint, except they admit that there was a helicopter crash that occurred on March 11, 2018 in New York, New York, and that Trevor Norris Cadigan was killed.

DEFENDANTS

DEFENDANT LIBERTY HELICOPTERS, INC.

5. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph five of the Second Amended Complaint.

6. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph six of the Second Amended Complaint, except they admit that Liberty Helicopters engaged in the business of operating helicopters.

7. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph seven of the Second Amended Complaint.

8. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph eight of the Second Amended Complaint.

DEFENDANT NY ON AIR LIMITED LIABILITY COMPANY

9. NY ON AIR and FlyNYON admit that NY ON AIR is a New Jersey Limited Liability Company; admit that process may be served on Patrick Day; and aver that the allegation in paragraph nine of the Second Amended Complaint that NY ON AIR is doing business in the State of New York is a legal conclusion to which no response is necessary.

10. NY ON AIR and FlyNYON admit that NY ON AIR is engaged in the business of operating and chartering helicopters for operations under certain Federal Aviation Regulations. Any other allegations that may be contained in paragraph ten of the Second Amended Complaint are denied.

11. NY ON AIR and FlyNYON state that the allegations in paragraph 11 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

12. NY ON AIR and FlyNYON state that the allegations in paragraph 12 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said

paragraph because the Second Amended Complaint does not specify the agents, servants, or employees or their actions.

DEFENDANT FLYNYON LLC

13. NY ON AIR and FlyNYON admit that FlyNYON is a Delaware Limited Liability Company; admit that process may be served on Michael Morgan; and aver that the allegation in paragraph 13 of the Second Amended Complaint that FlyNYON is doing business in the State of New York is a legal conclusion to which no response is necessary.

14. NY ON AIR and FlyNYON admit that FlyNYON is engaged in the business of chartering helicopters for operations under certain Federal Aviation Regulations. Any other allegations that may be contained in paragraph 14 of the Second Amended Complaint are denied.

15. NY ON AIR and FlyNYON deny the allegations in paragraph 15 of the Second Amended Complaint.

16. NY ON AIR and FlyNYON state that the allegations in paragraph 16 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph because the Second Amended Complaint does not specify the agents, servants, or employees or their actions.

DEFENDANT MERIDIAN CONSULTING 1 CORPORATION, INC.

17. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 17 of the Second Amended Complaint.

18. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18 of the Second Amended Complaint.

19. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 19 of the Second Amended Complaint.

20. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 20 of the Second Amended Complaint.

DEFENDANT RICHARD ZEMKE VANCE

21. NY ON AIR and FlyNYON admit the allegations in paragraph 21 of the Second Amended Complaint.

22. NY ON AIR and FlyNYON state that the allegations in paragraph 22 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

23. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23 of the Second Amended Complaint.

DEFENDANT AIRBUS HELICOPTERS, S.A.S.

24. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 24 of the Second Amended Complaint.

25. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 25 of the Second Amended Complaint.

26. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 26 of the Second Amended Complaint.

27. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 27 of the Second Amended Complaint.

28. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 28 of the Second Amended Complaint.

29. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 29 of the Second Amended Complaint.

30. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 30 of the Second Amended Complaint.

31. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 31 of the Second Amended Complaint.

32. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 32 of the Second Amended Complaint.

DEFENDANT AIRBUS HELICOPTERS, INC.

33. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 33 of the Second Amended Complaint.

34. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 34 of the Second Amended Complaint.

35. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 35 of the Second Amended Complaint.

36. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 36 of the Second Amended Complaint.

37. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 37 of the Second Amended Complaint.

38. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 38 of the Second Amended Complaint.

39. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 39 of the Second Amended Complaint.

40. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 40 of the Second Amended Complaint.

DEFENDANT APICAL INDUSTRIES, INC. D/B/A DART AEROSPACE

41. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 41 of the Second Amended Complaint.

42. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 42 of the Second Amended Complaint.

43. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 43 of the Second Amended Complaint.

44. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 44 of the Second Amended Complaint.

DEFENDANT EUROTEC VERTICAL FLIGHT SOLUTIONS, LLC

45. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 45 of the Second Amended Complaint.

46. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 46 of the Second Amended Complaint.

47. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 47 of the Second Amended Complaint.

48. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 48 of the Second Amended Complaint.

49. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 49 of the Second Amended Complaint.

DEFENDANT EUROTEC CANADA LTD.

50. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 50 of the Second Amended Complaint.

51. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 51 of the Second Amended Complaint.

52. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 52 of the Second Amended Complaint.

53. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 53 of the Second Amended Complaint.

54. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 54 of the Second Amended Complaint.

55. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 55 of the Second Amended Complaint.

IDENTIFICATION OF AIRCRAFT

56. NY ON AIR and FlyNYON admit that the subject helicopter crash involved a 2013 Eurocopter AS350B2 helicopter that bore FAA registration N350LH, deny that either of them owned or operated the subject helicopter or engaged in a sightseeing tour business, admits that the helicopter was chartered, and lack knowledge or information sufficient to form a belief as to the truth of any other allegations in paragraph 56 of the Second Amended Complaint.

57. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 57 of the Second Amended Complaint.

GENERAL ALLEGATIONS

58. NY ON AIR and FlyNYON admit that, on or about March 11, 2018, Trevor Norris Cadigan was a passenger in a 2013 Eurocopter AS350 B2 helicopter on a “doors off” aerial photography flight operated by Liberty Helicopters and scheduled to last 30-minutes. NY ON AIR and FlyNYON deny any other allegations that may be contained in paragraph 58 of the Second Amended Complaint, except that they admit that FlyNYON arranged the trip and NY ON AIR contracted with Liberty to carry the passengers on the flight.

59. NY ON AIR and FlyNYON admit that the subject helicopter landed in the East River but they lack knowledge or information sufficient to form a belief as to the truth of any other allegations in paragraph 59 of the Second Amended Complaint.

60. NY ON AIR and FlyNYON admit that the subject helicopter landed in the East River and that the East River abuts Manhattan but they lack knowledge or information sufficient to form a belief as to the truth of any other allegations in paragraph 60 of the Second Amended Complaint.

61. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 61 of the Second Amended Complaint.

62. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 62 of the Second Amended Complaint.

63. NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 63 of the Second Amended Complaint.

FIRST CAUSE OF ACTION**(ALLEGED NEGLIGENCE OF DEFENDANT LIBERTY HELICOPTERS --
VICARIOUS LIABILITY FOR RICHARD ZEMKE VANCE'S FAILURE TO USE
ORDINARY CARE IN PILOTING THE SUBJECT HELICOPTER -- WRONGFUL
DEATH OF TREVOR NORRIS CADIGAN)**

64. In response to paragraph 64 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

65. Because the allegations contained in paragraph 65 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, NY ON AIR and FlyNYON need not respond. Should a response nonetheless be required of them, NY ON AIR and FlyNYON admit these allegations.

66. Because the allegations contained in paragraph 66 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

67. Because the allegations contained in paragraph 67 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

68. Because the allegations contained in paragraph 68 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal

or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

69. Because the allegations contained in paragraph 69 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

70. Because the allegations contained in paragraph 70 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

71. Because the allegations contained in paragraph 71 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

72. Because the allegations contained in paragraph 72 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

73. Because the allegations contained in paragraph 73 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

74. Because the allegations contained in paragraph 74 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

75. Because the allegations contained in paragraph 75 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

76. Because the allegations contained in paragraph 76 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

SECOND CAUSE OF ACTION**(ALLEGED NEGLIGENCE OF DEFENDANT LIBERTY HELICOPTERS -- FAILURE TO USE ORDINARY CARE IN PROVIDING PROPER AND SAFE AIRCRAFT AND AIRCRAFT SERVICES -- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)**

77. In response to paragraph 77 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

78. Because the allegations contained in paragraph 78 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, NY ON AIR and FlyNYON need not respond. Should a response nonetheless be required of them, NY ON AIR and FlyNYON admit these allegations.

79. Because the allegations contained in paragraph 79 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

80. Because the allegations contained in paragraph 80 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

81. Because the allegations contained in paragraph 81 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required,

NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph, except that they deny subparagraphs (c) and (d).

82. Because the allegations contained in paragraph 82 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

83. Because the allegations contained in paragraph 83 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

84. Because the allegations contained in paragraph 84 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

85. Because the allegations contained in paragraph 85 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of these allegations.

86. Because the allegations contained in paragraph 86 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of these allegations.

87. Because the allegations contained in paragraph 87 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of these allegations.

88. Because the allegations contained in paragraph 88 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

89. Because the allegations contained in paragraph 89 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of these allegations.

90. Because the allegations contained in paragraph 90 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of these allegations.

91. Because the allegations contained in paragraph 91 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

92. Because the allegations contained in paragraph 92 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal

or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

93. Because the allegations contained in paragraph 93 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

94. Because the allegations contained in paragraph 94 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

95. Because the allegations contained in paragraph 95 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

THIRD CAUSE OF ACTION**(ALLEGED NEGLIGENCE OF DEFENDANT LIBERTY HELICOPTERS -- CAUSING OR AUTHORIZING THE OPERATION OF HELICOPTER IN A CARELESS OR RECKLESS MANNER -- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)**

96. In response to paragraph 96 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

97. Because the allegations contained in paragraph 97 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, NY ON AIR and FlyNYON need not respond. Should a response nonetheless be required of them, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

98. Because the allegations contained in paragraph 98 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

99. Because the allegations contained in paragraph 99 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph, except that it denies subparagraphs (c) and (d).

100. Because the allegations contained in paragraph 100 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and

constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

101. Because the allegations contained in paragraph 101 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

102. Because the allegations contained in paragraph 102 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

103. Because the allegations contained in paragraph 103 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

104. Because the allegations contained in paragraph 104 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

105. Because the allegations contained in paragraph 105 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and

FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

106. Because the allegations contained in paragraph 106 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

107. Because the allegations contained in paragraph 107 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

108. Because the allegations contained in paragraph 108 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

109. Because the allegations contained in paragraph 109 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

110. Because the allegations contained in paragraph 110 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and

constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

111. Because the allegations contained in paragraph 111 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

112. Because the allegations contained in paragraph 112 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

113. Because the allegations contained in paragraph 113 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

FOURTH CAUSE OF ACTION**(ALLEGED COMMON CARRIER LIABILITY - - FAILURE OF DEFENDANT
LIBERTY HELICOPTERS TO PROVIDE HIGHEST DEGREE OF CARE IN
SUPPLYING SAFE AND AIRWORTHY HELICOPTER -- WRONGFUL DEATH OF
TREVOR NORRIS CADIGAN)**

114. In response to paragraph 114 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

115. Because the allegations contained in paragraph 115 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON admit the allegations in said paragraph except that they deny that the flight was a sightseeing tour.

116. Because the allegations contained in paragraph 116 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, NY ON AIR and FlyNYON need not respond. Should a response nonetheless be required of them, lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

117. Because the allegations contained in paragraph 117 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

118. Because the allegations contained in paragraph 118 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph except that they deny that the flight was a sightseeing tour.

119. Because the allegations contained in paragraph 119 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

120. Because the allegations contained in paragraph 120 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

121. Because the allegations contained in paragraph 121 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

122. Because the allegations contained in paragraph 122 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and

constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

123. Because the allegations contained in paragraph 123 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

124. Because the allegations contained in paragraph 124 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

FIFTH CAUSE OF ACTION

(ALLEGED NEGLIGENCE OF DEFENDANT NY ON AIR – FAILURE TO USE ORDINARY CARE IN PROVIDING PROPER AND SAFE AIRCRAFT AND AIRCRAFT SERVICES -- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

125. In response to paragraph 125 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

126. NY ON AIR and FlyNYON deny the allegations in paragraph 126 of the Second Amended Complaint, except that they admit that NY ON AIR held itself out as an entity that could carefully and competently provide and maintain safe aerial photography flights in helicopters.

127. NY ON AIR and FlyNYON state that the allegations in paragraph 127 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny these allegations because they do not conduct sightseeing tours.

128. NY ON AIR and FlyNYON state that the allegations in paragraph 128 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary.

129. NY ON AIR and FlyNYON state that the allegations in paragraph 129 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

130. NY ON AIR and FlyNYON state that the allegations in paragraph 130 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

131. NY ON AIR and FlyNYON state that the allegations in paragraph 131 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

132. NY ON AIR and FlyNYON state that the allegations in paragraph 132 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

133. NY ON AIR and FlyNYON deny the allegations in paragraph 133 of the Second Amended Complaint.

134. NY ON AIR and FlyNYON deny the allegations in paragraph 134 of the Second Amended Complaint.

135. NY ON AIR and FlyNYON deny the allegations in paragraph 135 of the Second Amended Complaint.

136. NY ON AIR and FlyNYON state that the allegations in paragraph 136 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

137. NY ON AIR and FlyNYON deny the allegations in paragraph 137 of the Second Amended Complaint.

138. NY ON AIR and FlyNYON deny the allegations in paragraph 138 of the Second Amended Complaint.

139. NY ON AIR and FlyNYON state that the allegations in paragraph 139 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

140. NY ON AIR and FlyNYON state that the allegations in paragraph 140 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

141. NY ON AIR and FlyNYON state that the allegations in paragraph 141 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

142. NY ON AIR and FlyNYON state that the allegations in paragraph 142 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

143. NY ON AIR and FlyNYON state that the allegations in paragraph 143 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

SIXTH CAUSE OF ACTION

(ALLEGED NEGLIGENCE OF DEFENDANT NY ON AIR – CAUSING OR AUTHORIZING THE OPERATION OF HELICOPTER IN A CARELESS OR RECKLESS MANNER-- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

144. In response to paragraph 144 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

145. NY ON AIR and FlyNYON deny the allegations in paragraph 145 of the Second Amended Complaint, except that they admit that NY ON AIR held itself out as an entity that could carefully and competently provide and maintain safe aerial photography flights in helicopters.

146. NY ON AIR and FlyNYON state that the allegations in paragraph 146 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary.

147. NY ON AIR and FlyNYON state that the allegations in paragraph 147 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

148. NY ON AIR and FlyNYON state that the allegations in paragraph 148 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

149. NY ON AIR and FlyNYON state that the allegations in paragraph 149 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

150. NY ON AIR and FlyNYON state that the allegations in paragraph 150 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

151. NY ON AIR and FlyNYON deny the allegations in paragraph 151 of the Second Amended Complaint.

152. NY ON AIR and FlyNYON deny the allegations in paragraph 152 of the Second Amended Complaint.

153. NY ON AIR and FlyNYON deny the allegations in paragraph 153 of the Second Amended Complaint.

154. NY ON AIR and FlyNYON state that the allegations in paragraph 154 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

155. NY ON AIR and FlyNYON deny the allegations in paragraph 155 of the Second Amended Complaint.

156. NY ON AIR and FlyNYON deny the allegations in paragraph 156 of the Second Amended Complaint.

157. NY ON AIR and FlyNYON state that the allegations in paragraph 157 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

158. NY ON AIR and FlyNYON state that the allegations in paragraph 158 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

159. NY ON AIR and FlyNYON state that the allegations in paragraph 159 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

160. NY ON AIR and FlyNYON state that the allegations in paragraph 160 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

161. NY ON AIR and FlyNYON state that the allegations in paragraph 161 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

SEVENTH CAUSE OF ACTION

(ALLEGED COMMON CARRIER LIABILITY - - FAILURE OF DEFENDANT NY ON AIR TO PROVIDE HIGHEST DEGREE OF CARE IN SUPPLYING SAFE AND AIRWORTHY HELICOPTER -- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

162. In response to paragraph 162 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

163. NY ON AIR and FlyNYON deny the allegations in paragraph 163 of the Second Amended Complaint.

164. NY ON AIR and FlyNYON deny the allegations in paragraph 164 of the Second Amended Complaint, except that they admit that NY ON AIR held itself out as an entity that could carefully and competently provide and maintain safe aerial photography flights in helicopters.

165. NY ON AIR and FlyNYON state that the allegations in paragraph 165 of the Second Amended Complaint constitute legal or other conclusions to which no response is

necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

166. NY ON AIR and FlyNYON state that the allegations in paragraph 166 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny that they conduct sightseeing tours and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

167. NY ON AIR and FlyNYON state that the allegations in paragraph 167 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

168. NY ON AIR and FlyNYON state that the allegations in paragraph 168 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

169. NY ON AIR and FlyNYON state that the allegations in paragraph 169 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

170. NY ON AIR and FlyNYON state that the allegations in paragraph 170 of the Second Amended Complaint constitute legal or other conclusions to which no response is

necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

171. NY ON AIR and FlyNYON state that the allegations in paragraph 171 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

172. NY ON AIR and FlyNYON state that the allegations in paragraph 172 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

EIGHTH CAUSE OF ACTION

(ALLEGED NEGLIGENCE OF DEFENDANT FLYNYON – FAILURE TO USE ORDINARY CARE IN PROVIDING PROPER AND SAFE AIRCRAFT AND AIRCRAFT SERVICES -- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

173. In response to paragraph 173 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

174. NY ON AIR and FlyNYON deny the allegations in paragraph 174 of the Second Amended Complaint, except that they admit that FlyNYON held itself out as an entity that could carefully and competently provide and maintain safe aerial photography flights in helicopters.

175. NY ON AIR and FlyNYON state that the allegations in paragraph 175 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny

that they conduct sightseeing tours and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

176. NY ON AIR and FlyNYON state that the allegations in paragraph 176 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary.

177. NY ON AIR and FlyNYON state that the allegations in paragraph 177 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

178. NY ON AIR and FlyNYON state that the allegations in paragraph 178 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

179. NY ON AIR and FlyNYON state that the allegations in paragraph 179 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

180. NY ON AIR and FlyNYON state that the allegations in paragraph 180 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

181. NY ON AIR and FlyNYON deny the allegations in paragraph 181 of the Second Amended Complaint.

182. NY ON AIR and FlyNYON deny the allegations in paragraph 182 of the Second Amended Complaint.

183. NY ON AIR and FlyNYON deny the allegations in paragraph 183 of the Second Amended Complaint.

184. NY ON AIR and FlyNYON state that the allegations in paragraph 184 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

185. NY ON AIR and FlyNYON deny the allegations in paragraph 185 of the Second Amended Complaint.

186. NY ON AIR and FlyNYON deny the allegations in paragraph 186 of the Second Amended Complaint.

187. NY ON AIR and FlyNYON state that the allegations in paragraph 187 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

188. NY ON AIR and FlyNYON state that the allegations in paragraph 188 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

189. NY ON AIR and FlyNYON state that the allegations in paragraph 189 of the Second Amended Complaint constitute legal or other conclusions to which no response is

necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

190. NY ON AIR and FlyNYON state that the allegations in paragraph 190 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

191. NY ON AIR and FlyNYON state that the allegations in paragraph 191 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

NINTH CAUSE OF ACTION

(ALLEGED NEGLIGENCE OF DEFENDANT FLYNYON – CAUSING OR AUTHORIZING THE OPERATION OF HELICOPTER IN A CARELESS OR RECKLESS MANNER-- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

192. In response to paragraph 192 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

193. NY ON AIR and FlyNYON deny the allegations in paragraph 193 of the Second Amended Complaint, except that they admit that FlyNYON held itself out as an entity that could carefully and competently provide and maintain safe aerial photography flights in helicopters.

194. NY ON AIR and FlyNYON state that the allegations in paragraph 194 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary.

195. NY ON AIR and FlyNYON state that the allegations in paragraph 195 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

196. NY ON AIR and FlyNYON state that the allegations in paragraph 196 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

197. NY ON AIR and FlyNYON state that the allegations in paragraph 197 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

198. NY ON AIR and FlyNYON state that the allegations in paragraph 198 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

199. NY ON AIR and FlyNYON deny the allegations in paragraph 199 of the Second Amended Complaint.

200. NY ON AIR and FlyNYON deny the allegations in paragraph 200 of the Second Amended Complaint.

201. NY ON AIR and FlyNYON deny the allegations in paragraph 201 of the Second Amended Complaint.

202. NY ON AIR and FlyNYON state that the allegations in paragraph 202 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

203. NY ON AIR and FlyNYON deny the allegations in paragraph 203 of the Second Amended Complaint.

204. NY ON AIR and FlyNYON deny the allegations in paragraph 204 of the Second Amended Complaint.

205. NY ON AIR and FlyNYON state that the allegations in paragraph 205 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

206. NY ON AIR and FlyNYON state that the allegations in paragraph 206 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

207. NY ON AIR and FlyNYON state that the allegations in paragraph 207 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

208. NY ON AIR and FlyNYON state that the allegations in paragraph 208 of the Second Amended Complaint constitute legal or other conclusions to which no response is

necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

209. NY ON AIR and FlyNYON state that the allegations in paragraph 209 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

TENTH CAUSE OF ACTION

(ALLEGED COMMON CARRIER LIABILITY - - FAILURE OF DEFENDANT FLYNYON TO PROVIDE HIGHEST DEGREE OF CARE IN SUPPLYING SAFE AND AIRWORTHY HELICOPTER -- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

210. In response to paragraph 210 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

211. NY ON AIR and FlyNYON deny the allegations in paragraph 211 of the Second Amended Complaint.

212. NY ON AIR and FlyNYON deny the allegations in paragraph 212 of the Second Amended Complaint, except that they admit that FlyNYON held itself out as an entity that could carefully and competently provide and maintain safe aerial photography flights in helicopters.

213. NY ON AIR and FlyNYON state that the allegations in paragraph 213 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

214. NY ON AIR and FlyNYON state that the allegations in paragraph 214 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny that they conduct sightseeing tours and otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

215. NY ON AIR and FlyNYON state that the allegations in paragraph 215 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

216. NY ON AIR and FlyNYON state that the allegations in paragraph 216 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

217. NY ON AIR and FlyNYON state that the allegations in paragraph 217 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

218. NY ON AIR and FlyNYON state that the allegations in paragraph 218 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

219. NY ON AIR and FlyNYON state that the allegations in paragraph 219 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

220. NY ON AIR and FlyNYON state that the allegations in paragraph 220 of the Second Amended Complaint constitute legal or other conclusions to which no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON deny the allegations in said paragraph.

ELEVENTH CAUSE OF ACTION

(ALLEGED NEGLIGENCE OF DEFENDANT MERIDIAN CONSULTING – FAILURE TO USE ORDINARY CARE IN PROVIDING PROPER AND SAFE AIRCRAFT AND AIRCRAFT SERVICES -- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

221. In response to paragraph 221 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

222. Because the allegations contained in paragraph 222 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

223. Because the allegations contained in paragraph 223 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response

nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

224. Because the allegations contained in paragraph 224 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

225. Because the allegations contained in paragraph 225 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph, except that it denies subparagraphs (e), (f), (g), and (h).

226. Because the allegations contained in paragraph 226 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

227. Because the allegations contained in paragraph 227 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

228. Because the allegations contained in paragraph 228 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

229. Because the allegations contained in paragraph 229 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

TWELFTH CAUSE OF ACTION

(ALLEGED NEGLIGENCE OF DEFENDANT MERIDIAN CONSULTING – CAUSING OR AUTHORIZING THE OPERATION OF HELICOPTER IN A CARELESS OR RECKLESS MANNER -- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

230. In response to paragraph 230 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

231. Because the allegations contained in paragraph 231 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

232. Because the allegations contained in paragraph 232 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and

constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

233. Because the allegations contained in paragraph 233 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph, except that it denies subparagraphs (e), (f), (g), and (h).

234. Because the allegations contained in paragraph 234 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

235. Because the allegations contained in paragraph 235 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

236. Because the allegations contained in paragraph 236 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response

nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

237. Because the allegations contained in paragraph 237 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

THIRTEENTH CAUSE OF ACTION

(ALLEGED NEGLIGENCE OF RICHARD ZEMKE VANCE -- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

238. NY ON AIR and FlyNYON admit the allegations in paragraph 238 of the Second Amended Complaint.

239. Because the allegations contained in paragraph 239 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

240. Because the allegations contained in paragraph 240 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary.

241. Because the allegations contained in paragraph 241 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response

nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

242. Because the allegations contained in paragraph 242 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

243. Because the allegations contained in paragraph 243 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

244. Because the allegations contained in paragraph 244 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

FOURTEENTH CAUSE OF ACTION

(ALLEGED STRICT LIABILITY - - DEFECTIVE DESIGN AND MANUFACTURE BY DEFENDANT AIRBUS HELICOPTERS, S.A.S. -- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

245. In response to paragraph 245 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

246. Because the allegations contained in paragraph 246 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

247. Because the allegations contained in paragraph 247 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

248. Because the allegations contained in paragraph 248 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

249. Because the allegations contained in paragraph 249 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

250. Because the allegations contained in paragraph 250 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and

FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

251. Because the allegations contained in paragraph 251 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

252. Because the allegations contained in paragraph 252 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

253. Because the allegations contained in paragraph 253 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

254. Because the allegations contained in paragraph 254 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

255. Because the allegations contained in paragraph 255 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

256. Because the allegations contained in paragraph 256 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

257. Because the allegations contained in paragraph 257 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

258. Because the allegations contained in paragraph 258 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

259. Because the allegations contained in paragraph 259 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response

nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

260. Because the allegations contained in paragraph 260 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

FIFTEENTH CAUSE OF ACTION

(ALLEGED STRICT LIABILITY - - FAILURE TO WARN BY DEFENDANT AIRBUS HELICOPTERS, S.A.S. -- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

261. In response to paragraph 261 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

262. Because the allegations contained in paragraph 262 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

263. Because the allegations contained in paragraph 263 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

264. Because the allegations contained in paragraph 264 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

265. Because the allegations contained in paragraph 265 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

266. Because the allegations contained in paragraph 266 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

267. Because the allegations contained in paragraph 267 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

268. Because the allegations contained in paragraph 268 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response

nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

269. Because the allegations contained in paragraph 269 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

270. Because the allegations contained in paragraph 270 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

SIXTEENTH CAUSE OF ACTION

(ALLEGED NEGLIGENCE - - FAILURE OF DEFENDANT AIRBUS HELICOPTERS, S.A.S., TO USE ORDINARY CARE TO DESIGN AND MANUFACTURE HELICOPTER -- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

271. In response to paragraph 271 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

272. Because the allegations contained in paragraph 272 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

273. Because the allegations contained in paragraph 273 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

274. Because the allegations contained in paragraph 274 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

275. Because the allegations contained in paragraph 275 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

276. Because the allegations contained in paragraph 276 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

277. Because the allegations contained in paragraph 277 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and

FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

278. Because the allegations contained in paragraph 278 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

279. Because the allegations contained in paragraph 279 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

280. Because the allegations contained in paragraph 280 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

281. Because the allegations contained in paragraph 281 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

282. Because the allegations contained in paragraph 282 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

283. Because the allegations contained in paragraph 283 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

284. Because the allegations contained in paragraph 284 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

285. Because the allegations contained in paragraph 285 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph, except that upon information and belief they deny that the helicopter burned.

286. Because the allegations contained in paragraph 286 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and

constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

287. Because the allegations contained in paragraph 287 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

288. Because the allegations contained in paragraph 288 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

SEVENTEENTH CAUSE OF ACTION

**(ALLEGED NEGLIGENCE - - FAILURE OF DEFENDANT AIRBUS HELICOPTERS,
S.A.S. TO WARN OF KNOWN HAZARD -- WRONGFUL DEATH OF TREVOR
NORRIS CADIGAN)**

289. In response to paragraph 289 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

290. Because the allegations contained in paragraph 290 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and

FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

291. Because the allegations contained in paragraph 291 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

292. Because the allegations contained in paragraph 292 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

293. Because the allegations contained in paragraph 293 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

294. Because the allegations contained in paragraph 294 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

295. Because the allegations contained in paragraph 295 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

296. Because the allegations contained in paragraph 296 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

297. NY ON AIR Because the allegations contained in paragraph 297 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

298. Because the allegations contained in paragraph 298 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

299. Because the allegations contained in paragraph 299 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response

nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

300. Because the allegations contained in paragraph 300 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

EIGHTEENTH CAUSE OF ACTION

**(ALLEGED STRICT LIABILITY - - DEFECTIVE DESIGN AND MANUFACTURE BY
DEFENDANT AIRBUS HELICOPTERS, INC. -- WRONGFUL DEATH OF TREVOR
NORRIS CADIGAN)**

301. In response to paragraph 301 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

302. Because the allegations contained in paragraph 302 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

303. Because the allegations contained in paragraph 303 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

304. Because the allegations contained in paragraph 304 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

305. Because the allegations contained in paragraph 305 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

306. Because the allegations contained in paragraph 306 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

307. Because the allegations contained in paragraph 307 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

308. Because the allegations contained in paragraph 308 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and

FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

309. Because the allegations contained in paragraph 309 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

310. Because the allegations contained in paragraph 310 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

311. Because the allegations contained in paragraph 311 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

312. Because the allegations contained in paragraph 312 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

313. Because the allegations contained in paragraph 313 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

314. Because the allegations contained in paragraph 314 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

315. Because the allegations contained in paragraph 315 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

316. Because the allegations contained in paragraph 316 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

NINETEENTH CAUSE OF ACTION**(ALLEGED STRICT LIABILITY - - FAILURE TO WARN BY DEFENDANT AIRBUS HELICOPTERS, INC. -- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)**

317. In response to paragraph 317 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

318. Because the allegations contained in paragraph 318 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

319. Because the allegations contained in paragraph 319 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

320. Because the allegations contained in paragraph 320 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

321. Because the allegations contained in paragraph 321 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no

response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

322. Because the allegations contained in paragraph 322 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

323. Because the allegations contained in paragraph 323 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

324. Because the allegations contained in paragraph 324 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

325. Because the allegations contained in paragraph 325 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

326. Because the allegations contained in paragraph 326 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

TWENTIETH CAUSE OF ACTION

(ALLEGED NEGLIGENCE - - FAILURE OF DEFENDANT AIRBUS HELICOPTERS, INC., TO USE ORDINARY CARE TO DESIGN AND MANUFACTURE HELICOPTER - WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

327. In response to paragraph 327 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

328. Because the allegations contained in paragraph 328 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

329. Because the allegations contained in paragraph 329 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

330. Because the allegations contained in paragraph 330 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and

constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

331. Because the allegations contained in paragraph 331 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

332. Because the allegations contained in paragraph 332 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

333. Because the allegations contained in paragraph 333 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

334. Because the allegations contained in paragraph 334 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

335. Because the allegations contained in paragraph 335 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

336. Because the allegations contained in paragraph 336 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

337. Because the allegations contained in paragraph 337 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

338. Because the allegations contained in paragraph 338 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

339. Because the allegations contained in paragraph 339 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response

nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

340. Because the allegations contained in paragraph 340 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

341. Because the allegations contained in paragraph 341 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

342. Because the allegations contained in paragraph 342 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

343. Because the allegations contained in paragraph 343 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

344. Because the allegations contained in paragraph 344 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

TWENTY-FIRST CAUSE OF ACTION

(ALLEGED NEGLIGENCE - - FAILURE OF DEFENDANT AIRBUS HELICOPTERS, INC., TO WARN OF KNOWN HAZARD -- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

345. In response to paragraph 345 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

346. Because the allegations contained in paragraph 346 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

347. Because the allegations contained in paragraph 347 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

348. Because the allegations contained in paragraph 348 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no

response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

349. Because the allegations contained in paragraph 349 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

350. Because the allegations contained in paragraph 350 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

351. Because the allegations contained in paragraph 351 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

352. Because the allegations contained in paragraph 352 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

353. Because the allegations contained in paragraph 353 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

354. Because the allegations contained in paragraph 354 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

355. Because the allegations contained in paragraph 355 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

356. Because the allegations contained in paragraph 356 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

TWENTY-SECOND CAUSE OF ACTION**(ALLEGED STRICT LIABILITY - - DEFECTIVE DESIGN AND MANUFACTURE BY
DEFENDANT DART AEROSPACE -- WRONGFUL DEATH OF TREVOR NORRIS
CADIGAN)**

357. In response to paragraph 357 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

358. Because the allegations contained in paragraph 358 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

359. Because the allegations contained in paragraph 359 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

360. Because the allegations contained in paragraph 360 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

361. Because the allegations contained in paragraph 361 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no

response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

362. Because the allegations contained in paragraph 362 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

363. Because the allegations contained in paragraph 363 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

364. Because the allegations contained in paragraph 364 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

365. Because the allegations contained in paragraph 365 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

366. Because the allegations contained in paragraph 366 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

367. Because the allegations contained in paragraph 367 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

368. Because the allegations contained in paragraph 368 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

369. Because the allegations contained in paragraph 369 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

370. Because the allegations contained in paragraph 370 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response

nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

371. Because the allegations contained in paragraph 371 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

TWENTY-THIRD CAUSE OF ACTION

(ALLEGED STRICT LIABILITY - - FAILURE TO WARN BY DEFENDANT DART AEROSPACE -- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

372. In response to paragraph 372 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

373. Because the allegations contained in paragraph 373 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

374. Because the allegations contained in paragraph 374 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

375. Because the allegations contained in paragraph 375 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

376. Because the allegations contained in paragraph 376 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

377. Because the allegations contained in paragraph 377 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

378. Because the allegations contained in paragraph 378 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

379. Because the allegations contained in paragraph 379 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response

nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

380. Because the allegations contained in paragraph 380 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

381. Because the allegations contained in paragraph 381 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

TWENTY-FOURTH CAUSE OF ACTION

**(ALLEGED NEGLIGENCE - - FAILURE OF DEFENDANT DART AEROSPACE TO
USE ORDINARY CARE TO DESIGN AND MANUFACTURE HELICOPTER --
WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)**

382. In response to paragraph 382 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

383. Because the allegations contained in paragraph 383 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

384. Because the allegations contained in paragraph 384 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

385. Because the allegations contained in paragraph 385 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

386. Because the allegations contained in paragraph 386 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

387. Because the allegations contained in paragraph 387 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

388. Because the allegations contained in paragraph 388 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and

FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

389. Because the allegations contained in paragraph 389 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

390. Because the allegations contained in paragraph 390 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

391. Because the allegations contained in paragraph 391 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

392. Because the allegations contained in paragraph 392 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

393. Because the allegations contained in paragraph 393 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

394. Because the allegations contained in paragraph 394 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

395. Because the allegations contained in paragraph 395 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

396. Because the allegations contained in paragraph 396 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

397. Because the allegations contained in paragraph 397 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response

nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

398. Because the allegations contained in paragraph 398 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

TWENTY-FIFTH CAUSE OF ACTION

(ALLEGED NEGLIGENCE - - FAILURE OF DEFENDANT DART AEROSPACE TO WARN OF KNOWN HAZARD -- WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

399. In response to paragraph 399 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

400. Because the allegations contained in paragraph 400 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

401. Because the allegations contained in paragraph 401 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

402. Because the allegations contained in paragraph 402 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

403. Because the allegations contained in paragraph 403 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

404. Because the allegations contained in paragraph 404 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

405. Because the allegations contained in paragraph 405 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

406. Because the allegations contained in paragraph 406 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and

FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

407. Because the allegations contained in paragraph 407 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

408. Because the allegations contained in paragraph 408 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

409. Because the allegations contained in paragraph 409 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

410. Because the allegations contained in paragraph 410 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

TWENTY-SIXTH CAUSE OF ACTION**(ALLEGED NEGLIGENCE - FAILURE OF DEFENDANT EUROTEC VERTICAL FLIGHT SOLUTIONS, LLC TO USE ORDINARY CARE TO INSTALL, SERVICE AND INSPECT HELICOPTER SAFETY EQUIPMENT – WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)**

411. In response to paragraph 411 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

412. Because the allegations contained in paragraph 412 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

413. Because the allegations contained in paragraph 413 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

414. Because the allegations contained in paragraph 414 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

415. Because the allegations contained in paragraph 415 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

416. Because the allegations contained in paragraph 416 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

417. Because the allegations contained in paragraph 417 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

418. Because the allegations contained in paragraph 418 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

419. Because the allegations contained in paragraph 419 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response

nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

420. Because the allegations contained in paragraph 420 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

421. Because the allegations contained in paragraph 421 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

422. Because the allegations contained in paragraph 422 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

423. Because the allegations contained in paragraph 423 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

424. Because the allegations contained in paragraph 424 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

425. Because the allegations contained in paragraph 425 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

426. Because the allegations contained in paragraph 426 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

427. Because the allegations contained in paragraph 427 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

TWENTY-SEVENTH CAUSE OF ACTION
(ALLEGED NEGLIGENCE – FAILURE OF DEFENDANT EUROTEC CANADA TO
USE ORDINARY CARE TO INSTALL, SERVICE AND INSPECT HELICOPTER
SAFETY EQUIPMENT – WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)

428. In response to paragraph 428 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

429. Because the allegations contained in paragraph 429 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

430. Because the allegations contained in paragraph 430 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

431. Because the allegations contained in paragraph 431 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

432. Because the allegations contained in paragraph 432 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and

constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

433. Because the allegations contained in paragraph 433 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

434. Because the allegations contained in paragraph 434 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

435. Because the allegations contained in paragraph 435 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

436. Because the allegations contained in paragraph 436 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

437. Because the allegations contained in paragraph 437 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

438. Because the allegations contained in paragraph 438 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

439. Because the allegations contained in paragraph 439 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

440. Because the allegations contained in paragraph 440 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

441. Because the allegations contained in paragraph 441 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response

nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

442. Because the allegations contained in paragraph 442 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

443. Because the allegations contained in paragraph 443 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

444. Because the allegations contained in paragraph 444 of the Second Amended Complaint are directed at a defendant other than NY ON AIR and FlyNYON and constitute legal or other conclusions, no response is necessary. To the extent a response nonetheless is required, NY ON AIR and FlyNYON lack knowledge or information sufficient to form a belief as to the truth of the allegations in said paragraph.

TWENTY-EIGHTH CAUSE OF ACTION**(PUNITIVE DAMAGES AS TO DEFENDANTS LIBERTY HELICOPTERS, INC., NY ON AIR LLC, FLYNYON LLC, AIRBUS HELICOPTERS, S.A.S., AIRBUS HELICOPTERS, INC. AND APICAL INDUSTRIES, INC. D/B/A DART AEROSPACE, EUROTEC VERTICAL FLIGHT SOLUTIONS AND EUROTEC CANADA)**

445. In response to paragraph 445 of the Second Amended Complaint, NY ON AIR and FlyNYON incorporate their answers to the preceding paragraphs of the Second Amended Complaint as if set forth herein.

446. NY ON AIR and FlyNYON deny the allegations in paragraph 446 of the Second Amended Complaint to the extent such allegations are directed against them, and lack knowledge or information sufficient to form a belief as to the trust of the allegations in said paragraph as related to the other defendants.

AFFIRMATIVE AND OTHER DEFENSES

Each of the following defenses is directed to all allegations of the Second Amended Complaint. By listing any matter here, NY ON AIR and FlyNYON do not assume the burden of proving matters upon which plaintiffs bear the burden of proof under applicable law.

AS AND FOR A FIRST DEFENSE

The Second Amended Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND DEFENSE

The Second Amended Complaint sets forth state law standards of care, which are preempted by federal law pursuant to the Federal Aviation Act.

AS AND FOR A THIRD DEFENSE

Any of plaintiff's claims that relate to rates, routes, and services provided by FlyNYON or NY ON AIR are expressly preempted by 49 U.S.C. §41713.

AS AND FOR A FOURTH DEFENSE

Recovery is barred or reduced by a pre-flight liability waiver executed by plaintiffs' decedent, Trevor Noah Cadigan.

AS AND FOR A FIFTH DEFENSE

Recovery is barred or reduced by the assumption of the risk by plaintiffs' decedent, Trevor Noah Cadigan.

AS AND FOR A SIXTH DEFENSE

Any assessment of punitive damages would constitute a violation of NY ON AIR's and FlyNYON's constitutional rights, including but not limited to the right of due process, the right to be free from excessive fines and penalties, and the procedural and/or substantive safeguards provided under the Fifth, Sixth, Eighth and/or Fourteenth Amendments of the Constitution of the United States.

AS AND FOR A SEVENTH DEFENSE

NY ON AIR and FlyNYON are entitled to the benefits of N.Y. C.L.S. C.P.L.R., Art. 16, respecting several liability for noneconomic damages.

AS AND FOR AN EIGHTH DEFENSE

The alleged damages complained of were caused by the negligence of parties other than FlyNYON or NY ON AIR and for whom FlyNYON or NY ON AIR are not responsible; therefore, FlyNYON or NY ON AIR are not liable to plaintiff or, in the alternative,

FlyNYON or NY ON AIR'S liability to plaintiff should be reduced in accordance with applicable law.

AS AND FOR A NINTH DEFENSE

Plaintiff and/or the decedent's next of kin named as claimants in the Complaint lack capacity and/or standing to maintain this action.

AS AND FOR A TENTH DEFENSE

The alleged damages complained of were caused and brought about by an intervening and superseding cause and were not caused by FlyNYON or NY ON AIR, or by a person for whom FlyNYON or NY ON AIR is responsible.

AS AND FOR AN ELEVENTH DEFENSE

The alleged damages complained of were not proximately caused by any negligence or culpable conduct on the part of FlyNYON or NY ON AIR, its agents or employees.

AS AND FOR A TWELFTH DEFENSE

FlyNYON or NY ON AIR is not liable to plaintiff because they complied with all applicable government regulations in effect at the time of the events described in the Complaint.

AS AND FOR A THIRTEENTH DEFENSE

The recovery by plaintiffs, if any, should be reduced by any collateral source payment that has been or will be paid to plaintiff.

AS AND FOR A FOURTEENTH DEFENSE

Defendants NY ON AIR and FlyNYON reserve the right to assert any additional legal defenses and/or equitable defenses based on discovery or further factual investigation in this case.

WHEREFORE, defendants, FlyNYON and NY ON AIR respectfully request that this Court dismiss the Second Amended Complaint, with prejudice, and grant to FlyNYON and NY ON AIR such other further relief as the Court may deem just and proper.

Dated: New York, New York
February 14, 2019

SCHNADER HARRISON SEGAL & LEWIS LLP

By: s/ Courtney Devon Taylor

J. Denny Shupe* (dshupe@schnader.com)

Jonathan M. Stern* (jstern@schnader.com)

Barry S. Alexander (balexander@schnader.com)

Courtney Devon Taylor (ctaylor@schnader.com)

140 Broadway, Suite 3100

New York, NY 10005-1101

Telephone: (212) 973-8000

Anthony U. Battista (abattista@condonlaw.com)

Diana Gurfel Shapiro (dgurfel@condonlaw.com)

David J. Harrington (dharrington@condonlaw.com)

CONDON & FORSYTH LLP

7 Times Square

New York, NY 10036

Telephone: (212) 490-9100

Attorneys for Defendants,

NY ON AIR LLC and FlyNYON LLC

**admitted pro hac vice*

TO:

All counsel of record (by ECF)

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

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JERRY CADIGAN and NANCY CATON
CADIGAN, as the Proposed Administrators of the
Estate of TREVOR NORRIS CADIGAN,
Deceased,

Plaintiffs,

-against-

LIBERTY HELICOPTERS, INC., a New York
Corporation; NY ON AIR LLC, a New Jersey
Limited Liability Company, FLYNYON LLC, a
New Jersey Limited Liability Company;
MERIDIAN CONSULTING I CORPORATION,
INC., a Delaware Corporation; RICHARD
ZEMKE VANCE, a Connecticut resident;
AIRBUS HELICOPTERS, S.A.S., a French
Corporation; AIRBUS HELICOPTERS, INC., a
Delaware Corporation; and APICAL
INDUSTRIES, INC. d/b/a/ DART AEROSPACE,
a California Corporation,

Defendants.

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ANSWER TO THE SECOND AMENDED COMPLAINT