



KMA Zuckert LLC
70 East 55th Street, 25th Floor
New York, New York 10022
+1.212.922.0450 Main
www.kmazuckert.com

Anthony W. Eckert III
+1.212.991.5917 Direct
aeckert@kmazuckert.com

February 21, 2019

By ECF

Hon. Deborah A. Kaplan, J.S.C.
Supreme Court State of New York
New York County
111 Centre Street, Room 934
New York, New York 10013

**Re: Jerry Cadigan, et. al. v. Liberty Helicopters, Inc., et. al.
Index No. 152286/2018**

Dear Judge Kaplan:

We are the attorneys for Defendant Apical Industries, Inc. d/b/a Dart Aerospace in this matter. This serves to address certain issues raised by your Honor's Order dated February 15, 2019, resulting from the court proceedings held before the Honorable James d'Auguste on January 22, 2019, with respect to Defendant Apical's motion to dismiss. Specifically, the Order does not limit the discovery to issues of personal jurisdiction as we understood to be the intent of Justice d'Auguste. At the proceedings, Justice d'Auguste requested that we consult with our client, Defendant Apical, as to whether we would consent to a referral to a JHO to handle limited discovery on the issue of jurisdiction. See transcript of January 22, 2019 proceedings, at pg 39, ln 26 - pg 40, ln 9, a copy of which is attached herewith as Exhibit "A". Justice d'Auguste stated "it's not going to be this massive, sort of, request for everything under the sun in the guise of jurisdictional discovery". See Exhibit "A", page 39, line 26.

Defendant Apical responded to Justice d'Auguste's request to refer issues of jurisdictional discovery to a JHO by correspondence dated February 4, 2019, a copy of which is attached hereto as Exhibit "B". In agreeing to have the matter referred to a JHO, we requested that the Court's Order advise the JHO that the discovery be limited and truly related to the issue of jurisdiction. T

As such, we hereby request that your Honor vacate the Order dated February 15, 2019 and issue an Order that refers this matter to a JHO to oversee limited discovery on the issue of jurisdiction thereby reflecting the intentions of Justice d'Auguste as well as Defendant Apical's consent to submit this matter to a JHO.



Hon. Deborah A. Kaplan, J.S.C.
February 21, 2019
Page 2

Thank you for your attention to this matter. We look forward to hearing from the Court in due course.

Respectfully submitted,

KMA ZUCKERT LLC

A handwritten signature in blue ink, appearing to read "Anthony W. Eckert III".

Anthony W. Eckert III