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February 22, 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 is in reply to plaintiffs' correspondence to your Honor dated February 21, 2019 (Docket No. 114).

We respectfully submit that the Order at issue is not in accord with Justice d'Auguste's directions to the parties at the hearing of January 22, 2019. The Order states that "all discovery issues are referred to Honorable Charles E. Ramos (JHO)..... " It is clear that Justice d'Auguste intended for the JHO to handle discovery limited to the issue of jurisdiction. See Exhibit "A" (Docket No. 112) to Defendant Apical's correspondence dated February 21, 2019 (Docket No. 111) at page 40, lines 4-9.

The Order as it now stands refers "all discovery" to the JHO. This is not what Defendant Apical consented to by correspondence to Justice d'Auguste dated February 4, 2019. See Exhibit "B" (Docket No. 113). Our consent was based on Justice d'Auguste's intent to refer the matter to a JHO to oversee limited discovery only as to jurisdiction.

For these reasons and those set forth in our correspondence dated February 21, 2019 (Docket No. 111), we respectfully request that the Court vacate the Order of February 15, 2019 and issue an Order referring this matter to a JHO for the purpose of handling limited discovery as the issue of jurisdiction.



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Respectfully submitted,

KMA ZUCKERT LLC

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

Anthony W. Eckert III