

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

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

Index No.: 152286/2018

Plaintiffs,

-against-

**AFFIRMATION OF
FRED G. WEXLER IN
SUPPORT OF MOTION
TO DISMISS PURSUANT
TO N.Y. CIV. PRAC. L. &
R. 3211(a)(8)**

LIBERTY HELICOPTERS, INC., a New York Corporation, NY
ON AIR LIMITED LIABILITY COMPANY, a New Jersey
Limited Liability Company, FLYNYON LLC, a Delaware
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; EUROTEC VERTICAL FLIGHT SOLUTIONS,
LLC, a Kansas Corporation, and EUROTEC CANADA, LTD, a
Canada Limited Corporation,

Defendants.

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FRED G. WEXLER, an attorney duly admitted to practice law before the Courts of the
State of New York, hereby affirms the following subject to the penalties of perjury:

1. I am a member of the law firm of BROWN GAVALAS & FROMM LLP,
attorneys for defendants, EUROTEC VERTICAL FLIGHT SOLUTIONS, LLC (hereinafter
“EuroTec Vertical”) and EUROTEC CANADA, LTD (hereinafter “EuroTec Canada” and
collectively with EuroTec Vertical referred to herein as “Defendants”).

2. This affirmation is being submitted in support of Defendants’ motion to dismiss
for lack of personal jurisdiction pursuant to N.Y. Civ. Prac. L. & R. 3211(a)(8).

3. Plaintiffs commenced this action by filing a Summons and Complaint on or about
March 13, 2018. Subsequently, plaintiffs amended their pleadings on two separate occasions.

Most recently, plaintiffs filed a Second Amended Complaint on or about January 25, 2019. A copy of the Second Amended Complaint is attached hereto as Exhibit 1.

4. Co-Defendants, NY ON AIR LLC and FLYNYON LLC, filed their Answer to the Second Amended Complaint on or about February 14, 2019; a copy of which is attached hereto as Exhibit 2.

5. Co-defendant, AIRBUS HELICOPTERS S.A.S., filed their Answer to the Second Amended Complaint on or about February 28, 2019; a copy of which is attached hereto as Exhibit 3.

6. Co-defendant, AIRBUS HELICOPTERS, INC., filed their Answer to the Second Amended Complaint on or about February 28, 2019; a copy of which is attached hereto as Exhibit 4.

7. Based upon Your Affirmant's review of the Court's electronic docket, co-defendants, LIBERTY HELICOPTERS, INC., RICHARD ZEMKE VANCE and MERIDIAN CONSULTING I CORPORATION, INC. (hereinafter collectively referred to as the "Liberty Defendants"), have not filed an Answer to the Second Amended Complaint. Instead, it appears that the last pleading filed by the Liberty Defendants was an Amended Verified Answer to Plaintiff's First Amended Complaint on or about July 10, 2018, a copy of which is attached hereto as Exhibit 5.

8. Based upon Your Affirmant's review of the Court's electronic docket, co-defendant, APICAL INDUSTRIES, INC. d/b/a DART AEROSPACE ("Apical"), has not filed an Answer to the Second Amended Complaint. Rather, it appears Apical filed a pre-answer motion to dismiss the First Amended Complaint on June 18, 2018 (Electronic Docket Nos. 21-26). Said motion and its supporting papers are **not** being attached to this affirmation.

WHEREFORE, it is respectfully requested that the Court issue an Order granting Defendants' motion to dismiss for lack of personal jurisdiction and dismissing any and all causes of action asserted against the Defendants in the Second Amended Complaint and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York
April 10, 2019



FRED G. WEXLER