

0SUPREME 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,

**AFFIRMATION OF
HOSSEIN GOLANBARI**

-against-

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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Millgrove, Ontario, Canada

HOSSEIN GOLANBARI, subscribes and affirms as follows:

1. I am the Vice President of EUROTEC CANADA, LTD (“EuroTec Canada”), a
defendant in this action. I have been the Vice President of EuroTec Canada since 2011. This
affirmation is based upon my personal knowledge as well as the business records of EuroTec
Canada.

2. I submit this affirmation in support EuroTec Canada’s motion to dismiss for lack
of personal jurisdiction.

3. EuroTec Canada is a Canadian Limited Corporation created under the laws of Canada. It has its principal place of business at 377 Concession Rd 6 East, Millgrove, Ontario, Canada.

4. EuroTec Canada is a helicopter and turbine engine sales and support company. EuroTec Canada also performs helicopter maintenance, repairs and inspections at its facilities in Millgrove, Ontario.

5. EuroTec Canada has never been registered to do business in the State of New York.

6. EuroTec Canada has never been authorized to do business in the State of New York.

7. EuroTec Canada has never maintained any offices in the State of New York.

8. EuroTec Canada has never owned or leased any real property in the State of New York.

9. EuroTec Canada has never owned any personal property in New York.

10. EuroTec Canada has never maintained any bank accounts in the State of New York.

11. EuroTec Canada's employees have never traveled to the State of New York on behalf of the company to conduct any business.

12. EuroTec Canada has never had a registered agent to accept service of process in the State of New York.

13. EuroTec Canada does not do any business in the State of New York.

14. Since 2015, EuroTec Canada did not derive any revenue from the sale or leasing of helicopters or engines from any customers located in the State of New York.

15. Since 2015, EuroTec Canada did not derive any revenue for performing any maintenance, repairs, and/or overhauls on helicopters or engines from any companies with a New York address.

16. Since 2015, EuroTec Canada has not shipped any parts to customers in New York.

17. I have reviewed the Second Amended Complaint wherein plaintiffs allege that EuroTec Canada “ installed, serviced and/or inspected” an emergency float kit on a Eurocopter AS350 B2 model helicopter on which plaintiffs’ decedent was a passenger when this tragic incident occurred.

18. With respect to the emergency float kit, EuroTec Canada purchased the subject kit in or about October 2013 after which it installed it on the subject helicopter.

19. More specifically, EuroTec Canada entered into negotiations to install the kit on the subject helicopter with Meridian Consulting I Corporation, Inc. (“Meridian”) a Delaware Corporation with an office in Kearney, New Jersey. Ultimately, EuroTec Canada and Meridian entered into a Rotorcraft Service Agreement, which is dated October 21, 2013 (“the Agreement”). A copy of the Agreement is attached hereto as Exhibit A.

20. Under the terms of the Agreement, Meridian was responsible for bringing the helicopter to and from EuroTec Canada’s service facility at 12 Innovation Drive, Unit W, Dundas, Ontario in Canada for the installation of the emergency float kit. *See* the Agreement at ¶ 7. Under the Agreement, Meridian, not EuroTec Canada, agreed to be responsible for all of the costs associated with transporting the subject helicopter to and from EuroTec Canada’s facility. *See* the Agreement at ¶ 7.

21. Additionally, all documents relating to the installation of the emergency float kit on the subject helicopter were provided by EuroTec Canada to Meridian at its facility in Dundas, Ontario. *See* the Agreement at ¶ 6.

22. Meridian paid for the installation of the emergency float kit by wire transfer to EuroTec Canada's bank, Canadian Imperial Bank of Commerce (CIBC), in Ancaster, Ontario. *See* the Agreement ¶ 5.

23. It is also notable that EuroTec Canada and Meridian agreed that the Agreement was to be interpreted under the laws of the Province of Ontario. *See* the Agreement at ¶ 28. Additionally, in the event of any disputes under the agreement, Meridian agreed to litigate those disputes in the Courts of the City of Hamilton, Province of Ontario.

24. On or about September 6, 2013, EuroTec Canada ordered the emergency float kit that was installed on the helicopter from Dart Aerospace Ltd. in Hawkesbury, Ontario. A copy of the Purchase Order for the emergency floatation kit is attached hereto as Exhibit B.

25. On or about October 8, 2013, Dart Aerospace issued an invoice for the emergency floatation kit to EuroTec Canada, 12 Innovation Dr., Unit W, Dundas, Ontario. A copy of the invoice is attached hereto as Exhibit C.

26. Dart Aerospace then shipped the emergency floatation kit to EuroTec Canada's facility at 12 Innovation Drive, Unit W in Dundas, Ontario in Canada.

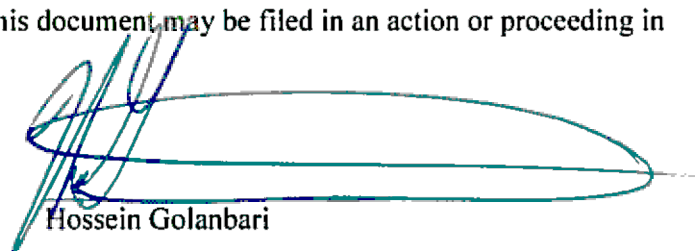
27. The subject helicopter was then flown to EuroTec Canada's facility at 12 Innovation Dr., Unit W, Dundas, Ontario in October 2013 after which EuroTec installed the kit onto the helicopter. EuroTec Canada finished installing the emergency float kit on the subject helicopter on or about December 13, 2013.

28. After December 13, 2013, EuroTec Canada performed no other maintenance, repairs or inspection regarding the subject helicopter.

29. EuroTec Canada is a Canadian company that is based in Ontario, Canada. It is not incorporated or authorized to do business in the State of New York and does not conduct business in the State of New York. It has no offices in the State and has no employees that perform any work in New York. It owns no property located in New York and has no assets there.

30. EuroTec Canada was hired by Meridian, a Delaware corporation with a New Jersey office, to install the emergency float kit. All work performed by EuroTec Canada to install the kit on the helicopter was done at its facility in Ontario, Canada. Moreover, EuroTec Canada purchased the flotation kit directly from the manufacturer, Dart Aerospace, in Canada. Simply stated, EuroTec did not have any contact with the State of New York concerning the subject helicopter.

I affirm this 9th day of April, 2019, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that I am physically located outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



Hossein Golanbari