

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

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; NYONAIR LLC, a New Jersey Limited
Liability Company; FLYNYON LLC, a New Jersey
Limited Liability Company; MERIDIAN CONSULTING
I CORPORATION, INC., 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.

Index No.: 152286/2018

**AIRBUS HELICOPTERS, INC.'S
ANSWER TO FIRST AMENDED
COMPLAINT**

Defendant Airbus Helicopters, Inc. (“AHI”), by its attorneys, Nixon Peabody LLP, answers the First Amended Complaint of Jerry Cadigan and Nancy Caton Cadigan, as the Proposed Administrators of the Estate of Trevor Norris Cadigan, Deceased, (“Plaintiffs”) as follows:

INTRODUCTION PERTAINING TO ALL CAUSES OF ACTION

PLAINTIFFS

1. AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1.
2. AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2.

PLAINTIFFS' DECEASED

3. AHI admits that Trevor Cadigan died on March 11, 2018, in New York, New York, while he was a passenger on a helicopter. AHI denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 3.

DEFENDANTS

DEFENDANT LIBERTY HELICOPTERS, INC.

4. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4.

5. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5.

6. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI admits, on information and belief, that Liberty Helicopters operated the subject helicopter on which Trevor Norris Cadigan was a passenger on March 11, 2018, but denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 6.

7. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7.

DEFENDANT NYONAIR LLC

8. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8.

9. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9.

10. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 10.

11. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 11.

DEFENDANT FLYNYON LLC

12. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 12.

13. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 13.

14. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 14.

15. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 15.

DEFENDANT MERIDIAN CONSULTING 1 CORPORATION, INC.

16. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 16.

17. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 17.

18. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI admits, on

information and belief, that Meridian Consulting 1 Corporation owned the subject helicopter on which Trevor Norris Cadigan was a passenger on March 11, 2018, but denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 18.

19. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 19.

DEFENDANT RICHARD ZEMKE VANCE

20. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI admits, on information and belief, the allegations of Paragraph 20.

21. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI admits, on information and belief, that Richard Zemke Vance was employed by Liberty Helicopters while acting as pilot-in-command of the subject helicopter on March 11, 2018, but denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 21.

22. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 22.

DEFENDANT AIRBUS HELICOPTERS, S.A.S.

23. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations set forth in Paragraph 23, except admits that Airbus Helicopters S.A.S. is a French business entity.

24. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations set forth in Paragraph 24, except admits that Airbus Helicopters S.A.S. has its headquarters and principal place of business at the Aéroport International Marseille Provence, 13725 Marignane, CEDEX, France.

25. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 25.

26. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations set forth in Paragraph 26, except admits that Airbus Helicopters S.A.S. manufactured certain components and systems of the subject AS350 B2 helicopter, and that Airbus Helicopters S.A.S. was formerly known as Eurocopter S.A.S.

27. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 27.

28. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations set forth in Paragraph 28, except admits that Airbus Helicopters S.A.S. is in the business of designing, manufacturing, assembling, distributing, marketing and/or selling certain helicopters.

29. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations set forth in Paragraph 29, except admits that Airbus Helicopters S.A.S. is in the business of designing, manufacturing, assembling, distributing, marketing and/or selling certain helicopters, and that Airbus Helicopters S.A.S. designed the subject AS350 B2 helicopter, as originally type certificated, and that it manufactured and at one time sold certain components of the subject helicopter.

30. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations set forth in Paragraph 30.

31. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 31.

DEFENDANT AIRBUS HELICOPTERS, INC.

32. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations set forth in Paragraph 32, except admits that Airbus Helicopters, Inc. is a Delaware corporation.

33. AHI admits the allegations set forth in Paragraph 33.

34. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits that it manufactured the subject AS350 B2 helicopter as originally configured at the time of delivery by AHI, and admits that that it was formerly known as American Eurocopter Corporation, but denies the remaining allegations set forth in Paragraph 34.

35. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations set forth in Paragraph 35.

36. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations set forth in Paragraph 36, except admits that it manufactures, inspects, tests, assembles, advertises, sells and distributes certain helicopters.

37. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations set forth in Paragraph 37, except admits that it manufactured, assembled, and at one time sold and delivered the subject AS350 B2 helicopter, as originally configured at the time of delivery by it.

38. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations set forth in Paragraph 38.

39. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 39.

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

40. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 40.

41. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI admits, on information and belief, that DART Aerospace designs, manufactures, sells and distributes emergency floatation systems for use on helicopters, but denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 41.

42. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI admits, on information and belief, that DART Aerospace designed, manufactured, sold and distributed the

emergency floatation system that was installed on the subject AS350 B2 helicopter, but the denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 42.

43. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 43.

IDENTIFICATION OF AIRCRAFT

44. AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 44, except admits the March 11, 2018 helicopter incident referenced in the complaint involved an AS350 B2 helicopter, registration number N350LH, serial number 7654.

GENERAL ALLEGATIONS

45. On information and belief, AHI admits the allegations of Paragraph 45.

46. AHI admits that the subject helicopter lost altitude and descended onto the surface of the East River.

47. AHI admits that the subject helicopter landed onto the surface of the East River, but denies that the helicopter crashed.

48. AHI admits that the helicopter rolled over after landing on the surface of the East River.

49. On information and belief, AHI admits that Trevor Norris Cadigan was unable to escape due to an after-market harness installed on the helicopter by third-parties after the

helicopter was sold by AHI. AHI denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 49.

50. On information and belief, AHI admits the allegations of Paragraph 50.

FIRST CAUSE OF ACTION

**(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)**

51. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “50” above.

52. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 52.

53. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 53.

54. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 54.

55. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI

denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 55.

56. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 56.

57. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 57.

58. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 58.

59. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 59.

60. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or

conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 60.

61. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 61.

62. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 62.

63. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 63.

SECOND CAUSE OF ACTION
(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)

64. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “63” above.

65. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 65.

66. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 66.

67. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 67.

68. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 68.

69. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 69.

70. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies

knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 70.

71. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 71.

72. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 72.

73. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 73.

74. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 74.

75. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 75.

76. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 76.

77. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 77.

78. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 78.

79. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 79.

80. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 80.

81. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 81.

82. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 82.

THIRD CAUSE OF ACTION

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

83. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “82” above.

84. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 84.

85. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, this paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 85.

86. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 86.

87. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 87.

88. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 88.

89. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 89.

90. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 90.

91. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies

knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 91.

92. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 92.

93. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 93.

94. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 94.

95. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 95.

96. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 96.

97. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 97.

98. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 98.

99. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 99.

100. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 100.

FOURTH CAUSE OF ACTION

**(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)**

101. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “100” above.

102. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 102.

103. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 103.

104. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 104.

105. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 105.

106. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or

conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 106.

107. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 107.

108. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 108.

109. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 109.

110. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 110.

111. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 111.

FIFTH CAUSE OF ACTION

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

112. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “111” above.

113. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 113.

114. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 114.

115. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 115.

116. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 116.

117. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 117.

118. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 118.

119. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 119.

120. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 120.

121. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies

knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 121.

122. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 122.

123. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 123.

124. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 124.

125. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 125.

126. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 126.

127. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 127.

128. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 128.

129. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 129.

130. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 130.

SIXTH CAUSE OF ACTION

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

131. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “130” above.

132. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 132.

133. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 133.

134. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 134.

135. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 135.

136. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 136.

137. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 137.

138. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 138.

139. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 139.

140. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 140.

141. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies

knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 141.

142. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 142.

143. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 143.

144. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 144.

145. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 145.

146. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI

denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 146.

147. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 147.

148. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 148.

SEVENTH CAUSE OF ACTION

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

149. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “148” above.

150. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 150.

151. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies

knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 151.

152. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 152.

153. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 153.

154. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 154.

155. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 155.

156. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI

denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 156.

157. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 157.

158. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 158.

159. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 159.

EIGHTH CAUSE OF ACTION

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

160. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “159” above.

161. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 161.

162. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 162.

163. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 163.

164. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 164.

165. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 165.

166. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies

knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 166.

167. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 167.

168. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 168.

169. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 169.

170. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 170.

171. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 171.

172. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 172.

173. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 173.

174. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 174.

175. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 175.

176. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 176.

177. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 177.

178. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 178.

NINTH CAUSE OF ACTION

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

179. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “178” above.

180. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 180.

181. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 181.

182. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 182.

183. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 183.

184. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 184.

185. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 185.

186. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 186.

187. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies

knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 187.

188. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 188.

189. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 189.

190. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 190.

191. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 191.

192. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 192.

193. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 193.

194. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 194.

195. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 195.

196. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 196.

TENTH CAUSE OF ACTION**(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)**

197. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “196” above.

198. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 198.

199. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 199.

200. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 200.

201. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 201.

202. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or

conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 202.

203. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 203.

204. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 204.

205. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 205.

206. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 206.

207. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 207.

ELEVENTH CAUSE OF ACTION

**(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)**

208. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “207” above.

209. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 209.

210. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 210.

211. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 211.

212. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 212.

213. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 213.

214. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 214.

215. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 215.

216. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI

denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 216.

TWELFTH CAUSE OF ACTION

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

217. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “217” above.

218. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 218.

219. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 219.

220. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 220.

221. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI

denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 221.

222. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 222.

223. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 223.

224. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 224.

THIRTEENTH CAUSE OF ACTION

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

225. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 225.

226. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 226.

227. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 227.

228. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 228.

229. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 229.

230. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 230.

231. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or

conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 231.

FOURTEENTH CAUSE OF ACTION

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

232. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “231” above.

233. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 233, except admits that Airbus Helicopters S.A.S. designed the subject AS350 B2 helicopter, as originally type certificated, and that it manufactured and sold certain components of the subject helicopter.

234. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 234.

235. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 235.

236. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 236.

237. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 237 that the subject helicopter and/or component parts reached the user or consumer without substantial change in the condition in which they were delivered.

238. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 238 as to defects in the helicopter or its components as configured when delivered.

239. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 239.

240. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 240.

241. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 239, except admits that the NTSB issued a Safety Recommendation on or about October 20, 2010, the full contents of which speak for itself.

242. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 242.

243. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 243.

244. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 244.

245. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 245.

246. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 246.

247. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 247.

FIFTEENTH CAUSE OF ACTION**(STRICT LIABILITY - - FAILURE TO WARN BY DEFENDANT
AIRBUS HELICOPTERS, S.A.S. – WRONGFUL DEATH
OF TREVOR NORRIS CADIGAN)**

248. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “247” above.

249. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 249.

250. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 250.

251. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 251.

252. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 252.

253. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 253.

254. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 254.

255. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 255.

256. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 256.

257. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 257.

SIXTEENTH CAUSE OF ACTION

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

258. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “257” above.

259. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of

Paragraph 259, except admits that Airbus Helicopters S.A.S. designed the subject helicopter, as originally type certificated, and that it manufactured and at one time sold certain of its components.

260. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 260 as to certain helicopters and certain component parts.

261. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits that Airbus Helicopters S.A.S. ordinarily would have a duty to exercise that degree of care that an ordinarily careful and prudent designer, manufacturer, distributor and seller of helicopters and certain component parts would use under the same or similar circumstances, but denies knowledge or information sufficient to form a belief as to the truth of the specific allegations of Paragraph 261 as they pertain to the allegations of the First Amended Complaint.

262. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 262.

263. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 263.

264. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 264.

265. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 265.

266. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 266.

267. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 267.

268. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 268.

269. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 269, except admits that the NTSB issued a Safety Recommendation on or about October 20, 2010, the full contents of which speak for itself.

270. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 270.

271. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 271.

272. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 272.

273. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 273.

274. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 274.

275. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 275.

SEVENTEENTH CAUSE OF ACTION

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

276. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “275” above.

277. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 277.

278. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 278.

279. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 279.

280. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 280.

281. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 281.

282. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 282.

283. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 283.

284. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 285.

285. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 285.

286. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 286.

287. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 287.

EIGHTEENTH CAUSE OF ACTION

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

288. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “287” above.

289. AHI denies the allegations of Paragraph 289, except admits that it manufactured, assembled, and at one time sold and distributed the subject AS350 B2 helicopter, as originally configured at the time of delivery by it, including certain component parts, and that the subject helicopter was equipped with a fuel flow control lever and fuel shutoff lever.

290. AHI denies the allegations of Paragraph 290.

291. AHI denies the allegations of Paragraph 291.

292. AHI denies the allegations of Paragraph 292.

293. AHI denies the allegations of Paragraph 293 that the subject helicopter and/or component parts reached the user or consumer without substantial change in the condition in which they were delivered.

294. AHI denies the allegations of Paragraph 294 as to defects in the helicopter or its components as configured when delivered by AHI.

295. AHI denies the allegations of Paragraph 295.

296. AHI denies the allegations of Paragraph 296.

297. AHI denies the allegations of Paragraph 297, except admits that the NTSB issued a Safety Recommendation on or about October 20, 2010, the full contents of which speak for itself.

298. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 298.

299. AHI denies the allegations of Paragraph 299.

300. AHI denies the allegations of Paragraph 300.

301. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 301.

302. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 302.

303. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 303.

NINETEENTH CAUSE OF ACTION

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

304. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “303” above.

305. AHI denies the allegations of Paragraph 305.

306. AHI denies the allegations of Paragraph 306.

307. AHI denies the allegations of Paragraph 307.

308. AHI denies the allegations of Paragraph 308.

309. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 309.

310. AHI denies the allegations of Paragraph 310.

311. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 311.

312. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 312.

313. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 313.

TWENTIETH CAUSE OF ACTION

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

314. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “313” above.

315. AHI denies the allegations of Paragraph 315, except admits that it manufactured, assembled, and at one time sold and distributed the subject AS350 B2 helicopter, including certain component parts, as originally configured when delivered by it.

316. AHI admits the allegations of Paragraph 316 as to the manufacture, sale and distribution of certain model helicopters and certain component parts, but denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 316.

317. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits that it ordinarily would have a duty to exercise that degree of care that an ordinarily careful and prudent manufacturer, distributor and seller of helicopters and certain component parts would use under the same or similar circumstances, but denies knowledge or information sufficient to form a belief as to the specific allegations of Paragraph 317 as they pertain to the allegations of the First Amended Complaint.

318. AHI denies the allegations of Paragraph 318.

319. AHI denies the allegations of Paragraph 319.

320. AHI denies the allegations of Paragraph 320.

321. AHI denies the allegations of Paragraph 321.

322. AHI denies the allegations of Paragraph 322.

323. AHI denies the allegations of Paragraph 323.

324. AHI denies the allegations of Paragraph 324.

325. AHI denies the allegations of Paragraph 325, except admits that the NTSB issued a Safety Recommendation on or about October 20, 2010, the full contents of which speak for itself.

326. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 326.

327. AHI denies the allegations of Paragraph 327.

328. AHI denies the allegations of Paragraph 328.

329. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 329.

330. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 330.

331. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 331.

TWENTY-FIRST CAUSE OF ACTION

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

332. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “331” above.

333. AHI denies the allegations of Paragraph 333.

334. AHI denies the allegations of Paragraph 334.

335. AHI denies the allegations of Paragraph 335.

336. AHI denies the allegations of Paragraph 336.

337. AHI denies the allegations of Paragraph 337.

338. AHI denies the allegations of Paragraph 338.

339. AHI denies the allegations of Paragraph 339.

340. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 340.

341. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 341.

342. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 342.

343. This paragraph contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 343.

TWENTY-SECOND CAUSE OF ACTION

**(STRICT LIABILITY - - DEFECTIVE DESIGN AND
MANUFACTURE BY DEFENDANT DART AEROSPACE –
WRONGFUL DEATH OF TREVOR NORRIS CADIGAN)**

344. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “343” above.

345. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI admits, on information and belief, the allegations of Paragraph 345.

346. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 346.

347. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 347.

348. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 348 as they pertain to use of the emergency floatation system.

349. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 349.

350. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 350.

351. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 351.

352. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies

knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 352.

353. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 353.

354. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 354.

355. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies the allegations of Paragraph 243.

356. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 356.

357. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI

denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 357.

358. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 358.

TWENTY-THIRD CAUSE OF ACTION

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

359. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “358” above.

360. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 359.

361. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 361.

362. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies

knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 362.

363. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 363 as to the use of the emergency floatation system.

364. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 364.

365. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 365.

366. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 366.

367. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or

conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 367.

368. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 368.

TWENTY-FOURTH CAUSE OF ACTION

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

369. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “368” above.

370. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI admits, on information and belief, the allegations of Paragraph 370.

371. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI admits, on information and belief, the allegations of Paragraph 371.

372. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI admits the allegations of Paragraph 372.

373. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 373.

374. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 374.

375. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 375.

376. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 376, except admits that the helicopter rolled over in the water after an emergency water landing.

377. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 377.

378. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies

knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 378.

379. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 379.

380. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 380.

381. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 381.

382. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 382.

383. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI

denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 383.

384. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 384.

385. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 385.

TWENTY-FIFTH CAUSE OF ACTION

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

386. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “385” above.

387. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 387.

388. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies

knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 388.

389. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 389.

390. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 390.

391. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 391.

392. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 392.

393. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 393.

394. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 394.

395. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 395.

396. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 396.

397. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 397.

TWENTY-SIXTH CAUSE OF ACTION**(PUNITIVE DAMAGES AS TO DEFENDANTS LIBERTY
HELICOPTERS, INC., NYONAIR LLC, FLYNYON LLC,
AIRBUS HELICOPTERS, S.A.S., AIRBUS HELICOPTERS, INC. AND APICAL
INDUSTRIES, INC. D/B/A DART AEROSPACE)**

398. Defendant repeats, reiterates, and re-alleges each and every response in Paragraphs “1” to “397” above.

399. This paragraph contains allegations pertaining to a party or parties other than AHI, to which no response is required. This paragraph also contains a legal conclusion or conclusions to which no response is required. To the extent that a response is required, AHI, as to itself, denies the allegations of Paragraph 399.

AHI denies that Plaintiffs are entitled to the relief requested in the un-numbered paragraph on Page 80 of the First Amended Complaint.

GENERAL DENIAL

AHI denies each and every allegation of the First Amended Complaint, except as specifically admitted above.

AFFIRMATIVE DEFENSES

For its affirmative defenses, AHI alleges:

FIRST DEFENSE

The First Amended Complaint fails to state a cause of action or a claim against AHI upon which relief may be granted.

SECOND DEFENSE

The First Amended Complaint, and each and every “cause of action” alleged therein as to AHI, fails in whole or in part to the extent that AHI did not design, manufacture, sell or

distribute the components of the helicopter that caused or contributed to Plaintiffs' alleged injuries.

THIRD DEFENSE

Plaintiffs' recovery should be barred and/or reduced to the extent that Trevor Norris Cadigan voluntarily undertook and assumed the known risk of being a passenger in a "doors off" flight while knowingly being restrained by a harness from which he could not easily release himself.

FOURTH DEFENSE

Plaintiffs' recovery should be barred and/or reduced to the extent that Plaintiffs have failed to mitigate their alleged damages, and any recovery shall not include alleged damages that could have been avoided by reasonable care and diligence.

FIFTH DEFENSE

As configured at the time of its original sale by AHI, the subject helicopter and its components were designed and manufactured in strict conformity with all applicable and prevailing industry standards and governmental codes and regulations, and were designed and manufactured in accordance with the current state-of-the-art.

SIXTH DEFENSE

Any injury or damage allegedly sustained by Plaintiffs in the First Amended Complaint was directly and proximately caused by the intervening, superseding acts and/or omissions of other defendants or third-parties, including but not limited to Liberty Helicopters, Richard Zemke Vance, Meridian Consulting, FlyNYON, NYONAir, and Dart Aerospace/Apical Industries over whom AHI has no control and for which AHI is neither responsible nor liable;

and therefore, any action on the part of defendant AHI was not the proximate cause of the alleged injuries and damages.

SEVENTH DEFENSE

Plaintiffs' recovery, if any, should be barred or reduced by the relative amount of contributory or comparative fault, negligence, negligence *per se*, other culpable conduct, or want of care and assumption of risk attributable to Trevor Norris Cadigan and/or other defendants or third-parties, including Liberty Helicopters, Richard Zemke Vance, Meridian Consulting, FlyNYON, NYONAir, and Dart Aerospace/Apical Industries, over whom AHI has no control and for which AHI is neither responsible nor liable, which were the legal and proximate causes of Plaintiffs' alleged injuries.

EIGHTH DEFENSE

Plaintiffs' damages, if any, were proximately caused and/or contributed to by the misuse or abnormal use of the helicopter, by other defendants and/or third-parties, including Liberty Helicopters, Richard Zemke Vance, Meridian Consulting, FlyNYON, NYONAir, and Dart Aerospace/Apical Industries, over whom AHI has no control and for which AHI is neither responsible nor liable, which was not reasonably foreseeable to AHI, and which were the legal and proximate causes of Plaintiffs' alleged injuries.

NINTH DEFENSE

Plaintiffs' damages, if any, were proximately caused and/or contributed to by alterations, modifications, or changes to the helicopter after it left AH's possession, custody, or control, by other defendants and/or third-parties, including Liberty Helicopters, Richard Zemke Vance, Meridian Consulting, FlyNYON, NYONAir, and Dart Aerospace/Apical Industries, over whom AHI has no control and for which AHI is neither responsible nor liable, which was not

reasonably foreseeable to AHI, and which were the legal and proximate causes of Plaintiffs' alleged injuries.

TENTH DEFENSE

The damages recoverable by Plaintiffs, if any, should be reduced under the collateral source rule, New York CPLR § 4545.

ELEVENTH DEFENSE

The liability of AHI, if any, is less than 50% of the total liability assigned to all persons liable, and therefore, liability for non-economic loss is limited pursuant to the provisions of Article 16 of the New York CPLR.

TWELFTH DEFENSE

Pursuant to Section 15-108 of the New York General Obligation Law, Plaintiffs' recovery, if any, from AHI must be reduced in accordance with the terms of that statute in the event any person or entity liable or claimed to be liable for the injuries alleged in this action has been given or may hereafter be given a release or covenant not to sue.

THIRTEENTH DEFENSE

To the extent any of the causes of action asserted against AHI conflict with federal law, they are preempted by federal law, including but not limited to the Federal Aviation Regulations.

FOURTEENTH DEFENSE

The law of a jurisdiction other than New York, such as the law of Texas and/or France, may apply in this action as to the claims against AHI.

RESERVATION OF RIGHTS

AHI reserves the right to assert such additional and alternative affirmative defenses as may appear and prove applicable during the course of this action.

WHEREFORE, AHI respectfully requests that Plaintiffs take nothing as to their claims against AHI and that judgment be entered in AHI's favor, that it be dismissed from this lawsuit, and that it be awarded its costs in defending this action.

Dated: September 7, 2018
New York, New York

NIXON PEABODY LLP

By: /s/ Thomas M. Mealiffe
Joseph J. Ortego
Eric C. Strain
Thomas M. Mealiffe
55 West 46th Street
New York, New York 10036
(212) 940-3000
jortego@nixonpeabody.com
estrain@nixonpeabody.com
tmealiffe@nixonpeabody.com

ATTORNEYS FOR DEFENDANT AIRBUS
HELICOPTERS, INC.