

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 COPORATION, INC., a Delaware
Corporation; RICHARD ZEMKE VANCE, a
Connecticut resident; AIRBUS HELICOPTERS,
S.A.S, a French Corporation; AIRBUS
HELICOPTERS, INC., a Delaware Corporation; and
APICAL INDUSTRIES, INC. d/b/a DART
AEROSPACE, a California Corporation,

Defendants.

Index No.: 152286/2018

**REPLY AFFIDAVIT OF ALAIN
MADORE IN FURTHER
SUPPORT OF DEFENDANT
APICAL INDUSTRIES, INC.’S
MOTION TO DISMISS FOR
LACK OF PERSONAL
JURISDICTION PURSUANT TO
CPLR 3211(a)(8)**

PROVINCE OF QUEBEC)
)
CANADA)

ALAIN MADORE, being first duly sworn deposes and says:

1. I am the President and Chief Executive Officer of Defendant Apical Industries, Inc. (“Defendant Apical” or “Apical”), which conducts business under the corporate name “DART Aerospace”. I have been employed by DART Aerospace since 2012 and as such, I am fully

familiar with the business operations of Apical, d/b/a/ DART Aerospace and have personal knowledge of the facts and the matters set forth in this Reply Affidavit.

2. I have read the opposition papers filed by the Plaintiffs, Liberty Helicopters, Inc., Meridian Consulting I, Inc. and Richard Zemke and I submit this Reply Affidavit in response, and in further support of Defendant Apical's Motion to Dismiss.

3. Defendant Apical, a California corporation, designs and manufactures all of its products, including emergency floatation systems, exclusively in the State of California.

4. Defendant Apical sold the aircraft float system at issue to Eurotec Canada and shipped it to 12 Innovation Drive, Unit W, Dundas, Ontario L9H 7P3, on October 8, 2013 at 2:11 p.m. The emergency float system was installed on the subject helicopter by Eurotec in Canada. A true and correct copy of the DART Aerospace Invoice, dated October 8, 2013, is attached hereto as Exhibit A.

5. Defendant Apical did not enter into a contract to sell, ship, or install the emergency float system on the subject helicopter with any entity in the State of New York.

6. Defendant Apical has a global comprehensive network of approved service centers in America, Europe and Australasia. Defendant Apical refers customers to independent Approved Maintenance Centers ("AMCs") worldwide. Apical does not own or control these AMCs, nor are they subsidiaries of Apical. Uniflight is an AMC and has several locations in the United States; namely, Texas, Pennsylvania and Rome, New York.

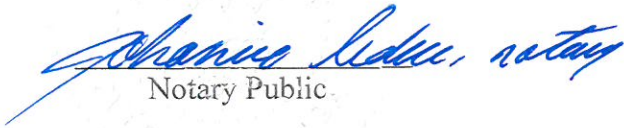
7. Thus, Defendant Apical does not own, operate or control Uniflight, nor any other service and/or maintenance facilities in the State of New York.

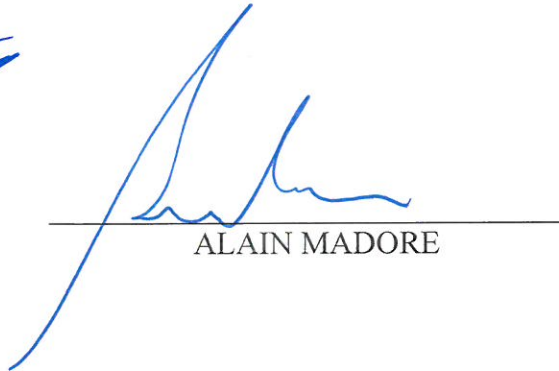
8. Apical *d/b/a* DART Aerospace collaborates with Pall Aeropower Corporation (formerly named Pall Aerospace) a Florida corporation, on the design, manufacture and sale of helicopter engine protection and filtration systems. None of these products are designed, manufactured, sold or shipped from the State of New York. Apical's interaction with Pall Aeropower is based in New Port Richey, Florida, and Portsmouth, United Kingdom.

9. Defendant Apical does not have a business relationship and is not "partnered" with Pall Corporation located in Port Washington, New York. Moreover, Apical does not receive any type of financial benefit or remuneration from Pall Corporation, the parent company of Pall Aeropower.

10. To reaffirm and for the avoidance of any doubt, Defendant Apical, a California company, is not registered or authorized to do business in the State of New York, nor does it maintained any offices, manufacturing facilities, maintenance and service centers in the State of New York. Finally, Defendant Apical has never paid taxes to the State of New York, and does not maintain any bank accounts in the State of New York.

Sworn to before me this **fourteen**
(14) day of September, 2018


Notary Public


ALAIN MADORE