

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

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

PROVINCE OF ONTARIO)
CANADA)

ALAIN MADORE, being first duly sworn deposes and says:

1. I am over 18 years of age, and submit this sworn Affidavit based on my own personal knowledge.
2. I am the President and Chief Executive Officer of Defendant Apical Industries, Inc. ("Defendant Apical" or "Apical"). Defendant Apical does 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.

3. I maintain my office a 1270 Aberdeen St., Hawkesbury, ON K6A 1K7, Canada.

4. Defendant Apical is a corporate entity organized under the laws of California, with its headquarters in Oceanside, California. Apical designs and manufactures emergency flotation and evacuation equipment for helicopters and fixed wing aircraft.

5. Defendant Apical is not and has never been registered or authorized to do business in the State of New York.

6. Defendant Apical does not and has never maintained any offices, plants for manufacturing, or any place of business in the State of New York.

7. Defendant Apical does not and has never owned any real or personal property in the State of New York.

8. Defendant Apical does not and has never maintained any bank accounts in the State of New York.

9. Defendant Apical does not and has never paid taxes to the State of New York,

10. Defendant Apical does not and has never had any employees working in the State of New York.

11. Defendant Apical does not have a registered agent in the State of New York.

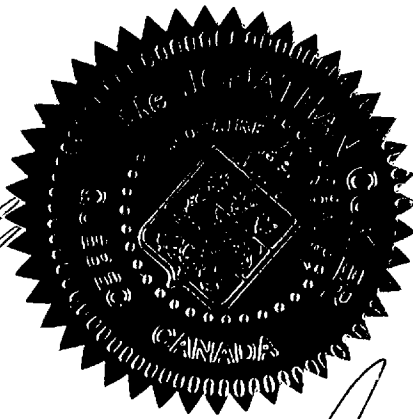
12. Since 2010, Apical has derived 0.002% of its total worldwide sales, approximately \$194,000, from the State of New York.

13. Defendant Apical designs and manufactures its products exclusively in the State of California.

14. Defendant Apical did not enter into a contract to ship the components of the aircraft float system at issue into the State of New York.

2018-06-18

Sworn to before me this
day of June, 2018



Notary Public



Mtre Jonathan Cukier, notaire

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ALAIN MADORE