

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

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HANNAH BOCKER, SARAH BOCKER and
BARBARA BOCKER, as Administrator of the Estate of
GERALD BOCKER AND BARBARA BOCKER
Individually,

Index No.: 2021-53475

Plaintiff,

VERIFIED ANSWER

-against-

HERGIN AVIATION, INC., KNIPPING-DIAZ and
ASSOCIATES INC., CESSNA AIRCRAFT
CORPORATION d/b/a n/k/a TEXTRON AVIATION,
INC., HARTZELL ENGINE COMPONENTS, INC./
HARTZELL ENGINE TECHNOLOGIES,
CONTINENTAL AEROSPACE TECHNOLOGIES,
INC. f/k/a CONTINENTAL MOTORS, INC.,
SOUTHTEC AVIATION LLC
BERKSHIRE AVIATION ENTERPRISES, INC.,
BERKSHIRE AVIATION HOLDINGS, INC.
BERKSHIRE AVIATION ENTERPRISES, LLC,
PINE MOUNTAIN AVIATION, LLC and JOHN
DOES 1-10,

Defendants.

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Defendants, BERKSHIRE AVIATION ENTERPRISES, INC., BERKSHIRE AVIATION
HOLDINGS, INC. and BERKSHIRE AVIATION ENTERPRISES, LLC, by and through their
attorneys, **RUTHERFORD & CHRISTIE, LLP**, as and for his Answer to Verified Complaint of
the plaintiffs herein, respectfully set forth as follows, upon information and belief:

FIRST: Deny knowledge or information sufficient to form a belief as to the truth or
accuracy of the allegations contained in the paragraphs designated "1," "2," "3," "4," "5," "6," "7,"
"8," "9," "11," "12," "13," "14," "15," "16," "17," "24," "25," "26," "27," "28," "29," "30," "31,"
"32," "33," "34," "35," "36," "37," "38," "39," "40," "41," "42," "43," "44," "45," "46," "47,"
"48," "49," "50," "51," "52," "53," "54," "55," "56," "61," "63," "64," "65," "66," "67," "69,"

“70,” “71,” “72,” “73,” “74,” “75,” “76,” “77,” “78,” “79,” “80,” “81,” “82,” “83,” “84,” “85,” “86,” “87,” “88,” “89” and “90” in the plaintiffs’ Verified Complaint.

SECOND: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraphs designated “10,” “18,” “19,” “20,” “21,” “22,” “23,” “91,” “92,” “94,” “95” and “97” in the plaintiffs’ Verified Complaint and leave all questions of law to this Honorable Court.

THIRD: Deny each and every allegation contained in the paragraphs designated as “57,” “58,” “59,” “60,” “62,” “68,” “93,” “96” and “98” the plaintiffs’ Verified Complaint.

COUNT I

FOURTH: As and for an answer to paragraph “99” of the plaintiffs’ Verified Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs’ Complaint contained in paragraphs “1” through “98” above with the same force and effect as if set forth herein at length.

FIFTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraphs designated “100,” “101,” “102,” “103,” “105” and “108” in the plaintiffs’ Verified Complaint.

SIXTH: Deny each and every allegation contained in the paragraphs designated as “104,” “106,” “107,” “109” and “110” the plaintiffs’ Verified Complaint.

COUNT II

SEVENTH: As and for an answer to paragraph “111” of the plaintiffs’ Verified Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs’ Complaint contained in paragraphs “1” through “110” above with the same force and effect as if

set forth herein at length.

EIGHTH: Deny each and every allegation contained in the paragraphs designated as "112," "113," "117" and "118" the plaintiffs' Verified Complaint.

NINTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraphs designated "as "114," "115" and 116" in the plaintiffs' Verified Complaint.

COUNT III

TENTH: As and for an answer to paragraph "119" of the plaintiffs' Verified Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs' Complaint contained in paragraphs "1" through "118" above with the same force and effect as if set forth herein at length.

ELEVENTH: Deny each and every allegation contained in the paragraphs designated as "120," "121," "122," "123," "124," "125," "126" and "127" the plaintiffs' Verified Complaint.

COUNT IV

TWELFTH: As and for an answer to paragraph "128" of the plaintiffs' Verified Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs' Complaint contained in paragraphs "1" through "127" above with the same force and effect as if set forth herein at length.

THIRTEENTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraphs designated "129," "130," "131," "132," "133," "134," "135," "136," "137," "138," "139," "140" and "141" in the plaintiffs' Verified Complaint.

FOURTEENTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraphs designated "142," "143" and "144" in the plaintiffs' Verified Complaint and leave all questions of law to this Honorable Court.

FIFTEENTH: Deny each and every allegation contained in the paragraphs designated as "145" in the plaintiffs' Verified Complaint.

COUNT V

SIXTEENTH: As and for an answer to paragraph "146" of the plaintiffs' Verified Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs' Complaint contained in paragraphs "1" through "145" above with the same force and effect as if set forth herein at length.

SEVENTEENTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraph designated "147" in the plaintiffs' Verified Complaint.

EIGHTEENTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraph designated "148" in the plaintiffs' Verified Complaint and leave all questions of law to this Honorable Court.

NINETEENTH: Deny each and every allegation contained in the paragraphs designated as "149," "150" and "151" the plaintiffs' Verified Complaint.

COUNT VI

TWENTIETH: As and for an answer to paragraph "152" of the plaintiffs' Verified Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs' Complaint contained in paragraphs "1" through "151" above with the same force and effect as if set

forth herein at length.

TWENTY-FIRST: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraphs designated as "153," "154," "155," "156," "157," "158," "159," "160," "161," "162" and "163" in the plaintiffs' Verified Complaint and leave all questions of law to this Honorable Court.

TWENTY-SECOND: Deny each and every allegation contained in the paragraphs designated as "164," "165" and "166" the plaintiffs' Verified Complaint.

COUNT VII

TWENTY-THIRD: As and for an answer to paragraph "167" of the plaintiffs' Verified Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs' Complaint contained in paragraphs "1" through "166" above with the same force and effect as if set forth herein at length.

TWENTY-FOURTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraphs designated "168," "169" and "170" in the plaintiffs' Verified Complaint and leave all questions of law to this Honorable Court.

TWENTY-FIFTH: Deny each and every allegation contained in the paragraphs designated as "171," "172," "173," "174," "175," "176" and "177" the plaintiffs' Verified Complaint.

COUNT VIII

TWENTY-SIXTH: As and for an answer to paragraph "178" of the plaintiffs' Verified Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs' Complaint contained in paragraphs "1" through "177" above with the same force and effect as if set forth herein at length.

TWENTY-SEVENTH: Deny each and every allegation contained in the paragraphs designated as "179," "182" and "183" the plaintiffs' Verified Complaint.

TWENTY-EIGHTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraphs designated "as "180" and 181" in the plaintiffs' Verified Complaint.

COUNT IX

TWENTY-NINTH: As and for an answer to paragraph "184" of the plaintiffs' Verified Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs' Complaint contained in paragraphs "1" through "183" above with the same force and effect as if set forth herein at length.

THIRTIETH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraphs as designated "185" and "187" in the plaintiffs' Verified Complaint.

THIRTY-FIRST: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraphs designated as "186" and "188" in the plaintiffs' Verified Complaint and leave all questions of law to this Honorable Court.

THIRTY-SECOND: Deny each and every allegation contained in the paragraphs designated as "189" and "190" the plaintiffs' Verified Complaint.

COUNT X

THIRTY-THIRD: As and for an answer to paragraph "191" of the plaintiffs' Verified Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs' Complaint contained in paragraphs "1" through "190" above with the same force and effect as if set forth herein at length.

THIRTY-FOURTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraphs designated as "192," "193," "194" and "195" in the plaintiffs' Verified Complaint and leave all questions of law to this Honorable Court.

THIRTY-FIFTH: Deny each and every allegation contained in the paragraphs designated as "196," "197," "198," "199," "200," "201," "202" and "203" in the plaintiffs' Verified Complaint.

COUNT XI

THIRTY-SIXTH: As and for an answer to paragraph "204" of the plaintiffs' Verified Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs' Complaint contained in paragraphs "1" through "203" above with the same force and effect as if set forth herein at length.

THIRTY-SEVENTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraphs designated as "205," "206," "207" and "212" in the plaintiffs' Verified Complaint and leave all questions of law to this Honorable Court.

THIRTY-EIGHTH: Deny each and every allegation contained in the paragraphs designated as "208," "209," "210," "211," "213" and "214" in the plaintiffs' Verified Complaint.

COUNT XII

THIRTY-NINTH: As and for an answer to paragraph "215" of the plaintiffs' Verified Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs' Complaint contained in paragraphs "1" through "214" above with the same force and effect as if set forth herein at length.

FORTIETH: Deny each and every allegation contained in the paragraphs designated as “216” and “219” the plaintiffs’ Verified Complaint.

FORTY-FIRST: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraphs designated as “217,” “218” and “220” in the plaintiffs’ Verified Complaint.

COUNT XIII

FORTY-SECOND: As and for an answer to paragraph “221” of the plaintiffs’ Verified Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs’ Complaint contained in paragraphs "1" through "220” above with the same force and effect as if set forth herein at length.

FORTY-THIRD: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraphs designated as ”222,” “223,” “224” and “225” in the plaintiffs’ Verified Complaint and leave all questions of law to this Honorable Court.

FORTY-FOURTH: Deny each and every allegation contained in the paragraphs designated as “226” and “227” in the plaintiffs’ Verified Complaint.

COUNT XIV

FORTY-FIFTH: As and for an answer to paragraph “228” of the plaintiffs’ Verified Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs’ Complaint contained in paragraphs "1" through "227” above with the same force and effect as if set forth herein at length.

FORTY-SIXTH: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraphs designated as “229.” “230,”

“231,” “232,” “234,” “235,” “236,” “237” and “238” in the plaintiffs’ Verified Complaint and leave all questions of law to this Honorable Court.

FORTY-SEVENTH: Deny each and every allegation contained in the paragraphs designated as “233,” “239” and “240” in the plaintiffs’ Verified Complaint.

COUNT XV

FORTY-EIGHTH: As and for an answer to paragraph “241” of the plaintiffs’ Verified Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs’ Complaint contained in paragraphs "1" through "240” above with the same force and effect as if set forth herein at length.

FORTY-NINTH: Deny each and every allegation contained in the paragraphs designated as “242,” “243,” “244,” “245,” “246,” “247” and “248” in the plaintiffs’ Verified Complaint.

COUNT XVI

FIFTIETH: As and for an answer to paragraph “249” of the plaintiffs’ Verified Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs’ Complaint contained in paragraphs "1" through "248” above with the same force and effect as if set forth herein at length.

FIFTY-FIRST: Deny knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in the paragraphs designated as “250” and “251” in the plaintiffs’ Verified Complaint.

FORTY-SECOND: Deny each and every allegation contained in the paragraphs designated as “252,” “253” and “254” in the plaintiffs’ Verified Complaint.

COUNT XVII

FIFTY-THIRD: As and for an answer to paragraph “255” of the plaintiffs’ Verified

Complaint, defendants repeat, reiterate and reallege each and every response to the plaintiffs' Complaint contained in paragraphs "1" through "254" above with the same force and effect as if set forth herein at length.

FIFTY-FOURTH: Deny each and every allegation contained in the paragraphs designated as "256," "257," "258" and "259" in the plaintiffs' Verified Complaint.

AS AND FOR A FIRST SEPARATE AND COMPLETE AFFIRMATIVE DEFENSE

FIFTY-FIFTH: Upon information and belief, that whatever damages the plaintiffs may have sustained at the time and place mentioned in the Verified Complaint were caused in whole or in part by the culpable conduct of the plaintiffs. The amount of damages recovered, if any, shall therefore be diminished in the proportion to which said culpable conduct, attributable to Plaintiff, bears to the culpable conduct which caused said damages.

AS AND FOR A SECOND SEPARATE AND COMPLETE AFFIRMATIVE DEFENSE

FIFTY-SIXTH: If the injuries and damages were sustained by the plaintiffs at the time and place and in the manner alleged in the Verified Complaint, such damages and injuries are attributable, in whole or in part, to the culpable conduct of third parties, and if any damages are recoverable against the defendants, the amount of such damages shall be diminished in the proportion that the culpable conduct attributable to third parties bears to the culpable conduct which caused the damages pursuant to CPLR §1601.

AS AND FOR A THIRD SEPARATE AND COMPLETE AFFIRMATIVE DEFENSE

FIFTY-SEVENTH: That the Verified Complaint herein fails to state a cause of action upon which relief may be granted against the answering defendants.

**AS AND FOR A FOURTH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

FIFTY-EIGHTH: The answering defendants, their agents, servants and/or employee did not take part in or direct any of the acts complained of which resulted in plaintiffs' alleged damages.

**AS AND FOR A FIFTH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

FIFTY-NINTH: Plaintiffs' damages were caused and brought about by an intervening and superseding cause and were not caused by the answering defendants, or by a person or entity for whom the answering defendants are responsible.

**AS AND FOR A SIXTH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SIXTIETH: The answering defendants' liability, if any, to the plaintiffs is limited under Article 16 of the Civil Practice Law & Rules of the State of New York.

**AS AND FOR A SEVENTH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SIXTY-FIRST: Upon information and belief, plaintiffs' economic loss, if any, as specified in §4545 of the CPLR, was or will be replaced or indemnified, in whole or in part, from collateral sources, and the answering defendants are entitled to have the Court consider the same in determining such special damages as provided in §4545 of CPLR.

**AS AND FOR AN EIGHTH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SIXTY-SECOND: The answering defendants, pursuant to §1412 of the CPLR, allege upon information and belief that if the plaintiff sustained any damages at the time and place alleged in the Verified Complaint, such damages were the result of the culpable conduct of the plaintiffs

because of the plaintiffs' negligence or assumption of risk. Should it be found, however, that defendants are liable to the plaintiffs herein, any liability being specifically denied, then the defendants demand that any damages that are found to be apportioned among the respective parties according to the degree of responsibility each is found to have in the occurrence, in proportion to the entire measure of responsibility for the occurrence.

**AS AND FOR A NINTH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SIXTY-THIRD: That all risks and dangers of losses connected with the situation alleged in the Verified Complaint were at all times and places mentioned obvious and apparent and were known to the decedent and were voluntarily assumed by them.

**AS AND FOR A TENTH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SIXTY-FOURTH: Plaintiffs failed to mitigate, obviate, diminish or otherwise act to lessen or reduce the injuries, damages and disabilities alleged in the Verified Complaint.

**AS AND FOR AN ELEVENTH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SIXTY-FIFTH: This court has not acquired in personam jurisdiction over the answering defendants based upon improper service of process.

**AS AND FOR A TWELFTH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SIXTY-SIXTH: The plaintiffs' claims against the answering defendants are barred in whole or in part by the doctrine of preemption by Federal law including (but without limitation) the provisions of the Federal Aviation Act, Federal Aviation Regulations and related statutes.

**AS AND FOR A THIRTEENTH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SIXTY-SEVENTH: The plaintiffs' claims are barred by the doctrines of accord and satisfaction, prior release and/or any combination of these doctrines thereof.

**AS AND FOR A FOURTEENTH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SIXTY-EIGHTH: The plaintiffs' claims should be dismissed on the ground that the plaintiffs have failed to join necessary and indispensable parties.

**AS AND FOR A FIFTEENTH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SIXTY-NINTH: The plaintiffs have failed to undertake all conditions precedent necessary to commencing this action.

**AS AND FOR A SIXTEENTH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SEVENTIETH: At all times relevant herein, the answering defendants exercised reasonable care and acted in accordance with or exceeded all applicable municipal, city, state and federal statutory, regulatory and common law requirements, regulations and standards.

**AS AND FOR A SEVENTEENTH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SEVENTY-FIRST: That if the plaintiffs have received sums of money in settlement of the claims asserted herein, and that by reason thereof, the defendants are entitled to the protection, provisions and limitations of Section 15-108 of the General Obligations law of the State of New York in reducing the claim of the plaintiffs against the answering defendants, by the amount stipulated in the Release, the amount of consideration paid for it or the amount of the released defendants' equitable share of the damages, whichever is the greatest.

**AS AND FOR A EIGHTEENTH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SEVENTY-SECOND: Defendant did not act maliciously or with ill will toward the plaintiff.

**AS AND FOR A NINETEENTH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SEVENTY-THIRD: The plaintiff is not entitled to punitive damages.

**AS AND FOR A TWENTIETH SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SEVENTY-FOURTH: To the extent that the plaintiffs' Verified Complaint can be deemed to be seeking punitive damages against the answering defendants, any such claim for punitive damages violates, and is therefore barred by the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States of America on grounds including the following:

(a) It is a violation of the Due Process of Equal Protection Clauses of the Fourteenth Amendment of the United States Constitution to impose punitive damages, which are penal in nature, against a civil defendant upon the plaintiffs' satisfying a burden of proof which is less than the "beyond a reasonable doubt" burden of proof required in criminal cases;

(b) The procedure pursuant to which punitive damages are awarded may result in the award of joint and several judgments against multiple defendants for different alleged acts of wrongdoing, which infringes the Due Process of Equal Protection Clause of the Fourteenth Amendment of the United States Constitution;

© The procedures pursuant to which punitive damages are awarded fail to provide a reasonable limit on the amount of the award against defendant, which thereby violates

the Due Process Clause of the Fourteenth Amendment of the United States Constitution;

(d) The procedures pursuant to which punitive damages are awarded fail to provide specific standards for the amount of the award of punitive damages which thereby violates the Due Process Clause of the United States Constitution;

(e) The procedures pursuant to which punitive damages are awarded result in the imposition of different penalties for the same or similar acts, and thus violate the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution;

(f) The procedures pursuant to which punitive damages are awarded permit the imposition of punitive damages in excess of the maximum criminal fine for the same or similar conduct, which thereby infringes the Due Process Clause of the Fifth and Fourteenth Amendment and the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution;

(g) The award of punitive damages to the plaintiff in this action would constitute a deprivation of property without due process of law; and

(h) The procedures pursuant to which punitive damages are awarded permit the imposition of an excessive fine and penalty.

**AS AND FOR A TWENTY-FIRST SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SEVENTY-FIFTH: Any claim for punitive damages violates, and is therefore barred by the following provision of the Constitution of the State of New York, N.Y. Const. Art. I, §5, N.Y. Const. art. I, §6, N.Y. Const. Art. I, §6 and N.Y. Const. Art. I, §12 on grounds including the following:

(a) It is a violation of the Due Process and Equal Protection Clauses to impose punitive damages, which are penal in nature, against a civil defendant upon the

plaintiffs' satisfying a burden of proof which is less than the "beyond a reasonable doubt" burden of proof required in criminal cases;

(b) The procedures pursuant to which punitive damages are awarded may result in the award of joint and several judgments against multiple defendants for different alleged acts of wrongdoing;

© The procedures pursuant to which punitive damages are awarded fail to provide a limit on the amount of the award against the defendant;

(d) The procedures pursuant to which punitive damages are awarded fail to provide specific standards for the amount of award of punitive damages;

(e) The procedures pursuant to which punitive damages are awarded result in the imposition of different penalties for the same or similar acts;

(f) The procedures pursuant to which punitive damages are awarded permit the imposition of punitive damages in excess of the maximum criminal fine for the same or similar conduct;

(g) The procedures pursuant to which punitive damages are awarded permit the imposition of excessive fines;

(h) The award of punitive damages to the plaintiff in this action would constitute a deprivation of property without due process of the law; and

(I) The procedures pursuant to which punitive damages are awarded permit the imposition of an excessive fine and penalty.

**AS AND FOR AN TWENTY-SECOND SEPARATE
AND COMPLETE AFFIRMATIVE DEFENSE**

SEVENTY-SIXTH: The answering defendants' actions with respect to the plaintiff were not extreme, outrageous or conscience shocking.

WHEREFORE, defendants, BERKSHIRE AVIATION ENTERPRISES, INC.,
BERKSHIRE AVIATION HOLDINGS, INC., and BERKSHIRE AVIATION ENTERPRISES,
LLC., demand judgment dismissing the Verified Complaint herein, together with costs and
disbursements incurred in this action.

Dated: New York, New York
October 25, 2021

Yours, etc.

RUTHERFORD & CHRISTIE, LLP

BY:  _____

David S. Rutherford
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Attention: Paul A. Lange, Esq.

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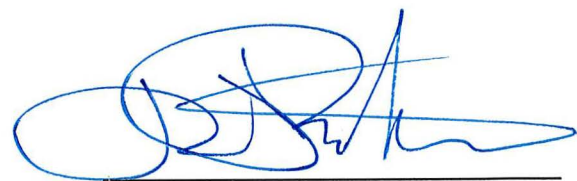
SOUTHTEC AVIATION LLC
3330 Airport Loop
Salisbury NC 28147

ATTORNEY VERIFICATION

STATE OF NEW YORK }
 } SS.:
COUNTY OF NEW YORK }

I, David S. Rutherford, am a member with the firm of **RUTHERFORD & CHRISTIE, LLP**, attorneys for Defendants BERKSHIRE AVIATION ENTERPRISES, INC., BERKSHIRE AVIATION HOLDINGS, INC. and BERKSHIRE AVIATION ENTERPRISES, LLC,. I have read the foregoing Verified Answer and know the contents thereof; and the same upon information and belief is true to my knowledge, except as to the matters thereon stated to be alleged upon information and belief, and as to those matters upon information and belief I believe it to be true. This Verification is made by the deponent and not by the defendant because deponent's office is not located in the same county where the defendants are located.

Dated: New York, New York
October 25, 2021



David S. Rutherford