

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11 LITIGATION : 21 MC 97 (AKH)
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IN RE SEPTEMBER 11 PROPERTY DAMAGE AND :
BUSINESS LOSS LITIGATION : This Document
: Relates to All Cases
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**DEFENDANT METROPOLITAN WASHINGTON AIRPORTS AUTHORITY'S
RESPONSES AND OBJECTIONS TO
REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendant Metropolitan Washington Airports Authority ("MWAA"), by its attorneys and pursuant to the Federal Rules of Civil Procedure, the Local Rules of this Court, and the Orders of this Court, objects as follows to the Requests for Production contained in Plaintiffs' Amended Notice of 30(b)(6) Deposition of MWAA:

GENERAL OBJECTIONS

1. MWAA objects to the Request for Production of Documents on the ground that it exceeds the scope of limited discovery authorized by the Court against the Airport Operators. When the Court denied the Airport Operators' motion to dismiss without prejudice, it authorized discovery on the discrete issue of whether the security programs in effect on September 11, 2001 at Logan, Newark and Dulles Airports somehow altered controlling federal regulations, which assigned passenger screening responsibility solely to air carriers. The Court's October 24, 2003 and September 25, 2005 Supplemental Case Management Orders specifically exempted the Airport Operators from the broader discovery process because the Airport Operators were engaged in, and then had completed, limited discovery. The Airport Operators submitted

their Airport Security Plans to the Transportation Security Administration (“TSA”) and the TSA prepared a Substitute for Airport Security Plans for use in this litigation. The Airport Operators then produced the Substitute for Airport Security Plans prepared by the TSA to Plaintiffs on April 28, 2004, May 14, 2004, and October 7, 2005. To the extent MWAA responds to any request contained in the Requests, it does not concede that the documents or information requested thereby are relevant, material, competent, or admissible. MWAA expressly reserves the right to object to further discovery into any subject matter in each request.

2. MWAA objects to each Request to the extent the Request seeks the disclosure of “Sensitive Security Information,” as defined by 49 C.F.R. § 1520.5 (“SSI”), which MWAA is prohibited from releasing or disclosing as a matter of federal law. *See* 49 C.F.R. §§ 1520.5(a), 1520.9(a), 1542.101(c). Pursuant to the requirements of 49 C.F.R. § 1520, MWAA is required to refer any request seeking SSI in its entirety to the TSA for TSA’s determination. In the event Plaintiffs file a petition for judicial review of the TSA’s final decision regarding the disclosure of SSI, MWAA reserves the right to intervene and to participate in any such proceeding.

3. MWAA objects to each and every Discovery Request to the extent that it seeks information that is more appropriately directed to other defendants and encompasses documents that are in the possession, custody or control of other defendants.

4. MWAA objects to each and every Discovery Request to the extent that it seeks information and encompasses documents that are equally available to Plaintiffs.

5. MWAA objects to each and every Discovery Request to the extent that it seeks information and encompasses documents that are protected from disclosure by the attorney/client, attorney work product, or self-critical analysis privileges.

6. MWAA objects to each and every Discovery Request to the extent that it seeks information which would require the disclosure of confidential or other proprietary data without appropriate protective orders.

7. MWAA objects to each and every Discovery Request to the extent that it is vague, ambiguous, overly broad or unduly burdensome.

8. MWAA objects to each and every Discovery Request to the extent that it is not limited to documents in MWAA's possession, custody or control.

9. MWAA objects to each and every Discovery Request to the extent that it seeks information and other materials contained in individuals' personnel files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

10. MWAA objects to each and every Discovery Request to the extent that it seeks information, the disclosure of which would constitute an unauthorized dissemination of criminal offender record information pursuant to 14 C.F.R. § 107.209(j).

11. MWAA objects to each and every Discovery Request to the extent that it seeks information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence and therefore purport to impose upon MWAA discovery obligations exceeding those set forth in the Federal Rules of Civil Procedure and the Local Civil Rules.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1:

Produce at this deposition all documents related to your relationship with any and all air carriers and security companies who were operating at Dulles Airport on September 11, 2001, and the security practices of those air carriers and security companies at Dulles.

RESPONSE:

In addition to its General Objections set forth above, MWAA objects to this Request on the ground that it exceeds the scope of limited discovery authorized by the Court against the Airport Operators for the purposes of resolving their motion to dismiss. MWAA also objects to the Request on the grounds that it is vague, overbroad and unduly burdensome and seeks information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

MWAA further objects to this Request on the ground that it seeks the disclosure of SSI regarding aviation safety and security with respect to the traveling public. Pursuant to 49 C.F.R. § 1520, the Federal Government maintains control over SSI and determines what and when information will be released to the public. MWAA is not permitted to release or disclose SSI.

REQUEST NO. 2:

Produce at this deposition all documents related to your aviation security and airport security responsibilities, practices, and procedures in effect on September 11, 2001.

RESPONSE:

In addition to its General Objections set forth above, MWAA objects to this Request on the ground that it exceeds the scope of limited discovery authorized by the Court against the Airport Operators for the purposes of resolving their motion to dismiss. MWAA also objects to the Request on the grounds that it is overbroad and unduly

burdensome and seeks information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

MWAA further objects to this Request on the ground that it seeks the disclosure of SSI regarding aviation safety and security with respect to the traveling public.

Pursuant to 49 C.F.R. § 1520, the Federal Government maintains control over SSI and determines what and when information will be released to the public. MWAA is not permitted to release or disclose SSI.

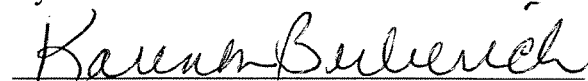
Subject to and without waiving its specific and General Objections, MWAA refers Plaintiffs to the Substitute for Airport Security Plans prepared by the Transportation Security Administration.

Dated: February 28, 2006

Respectfully Submitted,

METROPOLITAN WASHINGTON
AIRPORTS AUTHORITY

By:



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CERTIFICATE OF SERVICE

This is to certify that on February 28, 2006, a true copy of Defendant Metropolitan Washington Airports Authority's Responses and Objections to Request for Production of Documents was served via overnight mail upon counsel of record as follows:

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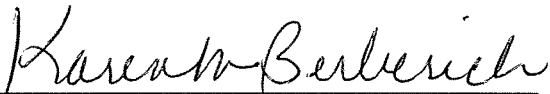
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