

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE SEPTEMBER 11 LITIGATION : :
: : 21 MC 97 (AKH)
----- X 21 MC 101 (AKH)
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IN RE SEPTEMBER 11 PROPERTY DAMAGE : :
AND BUSINESS LOSS LITIGATION : :
: :
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**DEFENDANT MASSACHUSETTS PORT AUTHORITY'S RESPONSES AND
OBJECTIONS TO JOINT INTERROGATORIES**

Defendant Massachusetts Port Authority ("Massport"), by and through its attorneys, hereby responds and objects under Federal Rules of Civil Procedure 26 and 33 to the Joint Interrogatories ("Interrogatories") as follows:

GENERAL OBJECTIONS

1. Massport objects to the Interrogatories to the extent they may be construed to seek information (i) not relevant to the subject matter of this action; (ii) not relevant to any claim or defense in this action; or (iii) not reasonably calculated to lead to discovery of admissible evidence. To the extent Massport complies with the Interrogatories, it does not concede that the information requested thereby is relevant, material, competent, or admissible. Massport expressly reserves the right to object to further discovery into any subject matter in the Interrogatories.

2. Massport objects to the Interrogatories to the extent that they seek information protected from disclosure by the attorney client privilege, the attorney work product immunity, the common interest doctrine, or any other applicable privilege(s) or immunities. Massport intends to and does assert such privilege(s) and immunities with respect to all such information.

Any disclosure of privileged or immune documents would be inadvertent and shall not be deemed a waiver of any applicable privilege or immunity.

3. Massport objects to the Interrogatories to the extent they call for information not within its possession, custody or control.

4. Massport objects to the Interrogatories to the extent they are more appropriately directed to other parties.

5. Massport objects to the Interrogatories to the extent they seek identification of any information that is a matter of public record, is equally available to Plaintiffs, or is already in Plaintiffs' possession, custody or control.

6. Massport objects to the Interrogatories to the extent they are unduly burdensome.

7. Massport reserves the right to supplement or amend its responses and objections under Rules 26 and 33 as additional information, if any, comes to light.

INTERROGATORY NO. 1:

For each telephone call, radio call, voice mail, answering machine message, email, text message or other communication made or received by a person on board the hijacked aircraft at any time after that person had boarded the aircraft, identify each communication as follows:

- a. Identify the person(s) who made the communication and the person(s) who received the communication;
- b. Identify any other person(s) with knowledge or information concerning the communication, excluding counsel in this litigation, any testifying or non-testifying experts or consultants, and their employees or agents;
- c. State the approximate time and duration of the communication;
- d. State the method of communication (for example, telephone conversation, voice mail message, email, radio, etc.);
- e. State whether the communication was copied, recorded or transcribed;

f. State whether there are any documents that relate to the communication and identify any such documents, excluding the 9/11 commission report, hearings, staff statements, and press accounts;

g. If the communication has been preserved, recorded, or transcribed in any way, state whether you have either the original or a copy of the communication or a transcript or recording thereof and identify same; and

h. Describe the substance of the communication.

RESPONSE TO INTERROGATORY NO. 1:

In addition to the General Objections, Massport objects to Interrogatory No. 1 on the grounds that it is more appropriately directed to other parties in this litigation, seeks information that is equally available to Plaintiffs and is unduly burdensome. Massport also objects to the Interrogatory to the extent it seeks disclosure of information protected from disclosure by the attorney client privilege, the attorney work product immunity, the common interest doctrine, or any other applicable privilege(s) or immunities.

Subject to and without waiving its specific and General Objections, Massport states that it did not receive any telephone call, radio call, voice mail, answering machine message, email, text message or other communication from a person on board the hijacked aircraft at any time after that person had boarded the aircraft.

INTERROGATORY NO. 2:

State the name and, if known, the address of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information, within Fed. R. Civ. P. 26(a)(1)(A), excluding counsel in this litigation, any testifying or non-testifying experts or consultants, and their employees or agents.

RESPONSE TO INTERROGATORY NO. 2:

In addition to its General Objections, Massport objects to Interrogatory No. 2 on the

ground that Plaintiffs' Master Complaints and Cross-Claims contain no allegation on which a claim for relief can be granted. Specifically, the Master Complaints and Cross-Claims contain no allegation alleging a violation of any of Massport's duties as defined in Part 107 of the Federal Aviation Regulations. Accordingly, Massport is unable to discern the factual or legal basis for the putative claims being asserted against it and thus cannot identify "each individual likely to have discoverable information" relevant to Massport's defenses.

Subject to and without waiving its specific and General Objections, Massport states that individuals with information concerning the discharge of Massport's Part 107 duties may include:

Joseph M. Lawless
c/o Mark Wood
O'Melveny & Myers LLP
Times Square Tower
7 Times Square
New York, New York 10036

- or -

c/o Christopher D. Moore
Goodwin Procter LLP
Exchange Place
Boston, Massachusetts 02109-2281

Massport reserves the right to supplement its response if other information concerning Plaintiffs' claims becomes available.

Dated: November 3, 2006

MASSACHUSETTS PORT AUTHORITY

By:



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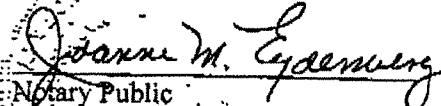
VERIFICATION

I, David S. Mackey, am Chief Legal Counsel for Massachusetts Port Authority ("Massport") and am authorized to make this verification on its behalf. I have read the foregoing Responses and Objections to Joint Interrogatories and state that the factual averments set forth therein are true and correct to the best of my knowledge, information and belief.



David S. Mackey

Subscribed and sworn to before me
this 3RD day of November 2006


Notary Public
MY COMMISSION EXPIRES: 6-9-11