

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
: 21 MC 97 (AKH)
IN RE SEPTEMBER 11, 2001 LITIGATION :
: This Documents Relates to:
-----X All Cases

**RESPONSE OF DEFENDANT COLGAN AIR, INC. TO
PLAINTIFFS' MASTER DISCOVERY (FIRST SET)**

PLEASE TAKE NOTICE that Colgan Air, Inc. (hereinafter referred to as "Colgan"), by and through their attorneys, Connell Foley LLP, hereby responds to plaintiffs' Master Discovery (First Set) as follows:

GENERAL OBJECTIONS

1. These responses to plaintiffs' Master Discovery (First Set) represent Colgan's reasonable efforts to provide the information requested based upon documents in its possession, custody or control, and based upon its current knowledge.

2. Colgan objects to the entire set of requests to the extent they seek to impose obligations beyond those required by the Federal Rules of Civil Procedure, the Local Rules and the applicable case law.

3. Colgan objects to those requests that seek the production of documents which are protected from disclosure by any privilege, including the attorney-client privilege, the attorney work product doctrine, the self-critical analysis privilege, and the state secrets privilege. Colgan and its counsel hereby assert such privileges. Without limiting the generality of the foregoing, letters, memoranda, and other writings transmitted by or between Colgan and its counsel, or writings prepared and maintained internally by Colgan's counsel will not be produced.

4. Colgan objects to those requests that seek the production of documents containing Sensitive Security Information (“SSI”), as defined, controlled, and protected by the provisions of 49 CFR Part 1520. Documents containing SSI are not to be disclosed without the authorization of the Under Secretary of Transportation for Security.

5. Colgan states that it will not permit any confidential or privileged documents, or documents that contain SSI that are produced in response to plaintiffs’ requests, to be photocopied or duplicated without a Protective Order issued by the Court relating to the treatment of such privileged or confidential documents and SSI.

6. Colgan will make reasonable efforts to respond to each request for documents, to the extent that no objection is made, as Colgan understands and interprets the request. If plaintiffs subsequently assert any interpretation of any request for documents which differs from that of Colgan, Colgan reserves the right to supplement its objections and responses.

7. An indication that Colgan agrees to produce relevant documents, which it believes to be properly called for by a particular request, does not necessarily imply the existence of the documents requested.

8. Colgan objects to plaintiffs’ entire set of requests to the extent that the requests call for production of large quantities of cumulative documents providing no additional information, when a limited number of such documents will provide the requested information, on the grounds that such a requirement makes the request overly broad, unduly burdensome, and oppressive. Colgan also objects generally to the entire set of requests to the extent that it calls for the production of “all documents” of a specified nature or type, when a limited number of documents will provide the requested information, on the grounds that such a requirement makes the requests overly broad, unduly burdensome, and oppressive.

9. Colgan objects to the entire set of requests on the ground that the individual categories set forth in the requests are overlapping so that, in many instances, the same document would be responsive to more than one category. Production of the same document in multiple categories would be unduly burdensome and oppressive.

10. Colgan objects to the entire set of requests to the extent that it is not limited to documents in Colgan's possession, custody or control.

11. Colgan objects to the entire set of requests to the extent that it seeks information regarding matters of public record.

12. Colgan objects to the entire set of requests to the extent that it seeks information regarding matters equally accessible to plaintiffs or more readily accessible to plaintiffs than to Colgan.

13. Colgan objects to the entire set of requests as overly broad and unduly burdensome to the extent plaintiffs seek documents for time periods not at issue in this proceeding.

14. Colgan objects to producing paper copies of voluminous, responsive information that exists only in computerized form or on microfilm or microfiche. If Colgan has already made copies of responsive information from microfilm or microfiche or has printed the information from a computerized source, Colgan will make available for inspection or produce the paper copies. Otherwise, Colgan may make the database, microfilm or microfiche available for inspection at a place designated by Colgan.

15. Colgan objects to any of the definitions in the instructions that attempt to define any terms beyond the definitions as stated within the Federal Rules of Civil Procedure and Local Rule 26.3. Colgan further objects to any of the definitions in the instructions that attempt to

define terms in a manner that is exceptionally broad, over inclusive, unreasonable and beyond the proper scope of discovery.

16. Colgan object to the instructions insofar as they seek to imposed on Colgan any obligation to search for or produce documents in the possession of “present or former independent contractors.”

17. Colgan objects to the instructions insofar as they seek to impose an obligation to conduct electronic reconstruction of records that no longer exist in conventional digital records or files.

18. Colgan objects to those requests using the phrases “documents containing” or “documents comprising,” which are undefined, because such requests are vague, ambiguous and unintelligible. Accordingly, such requests are unduly burdensome, seek information that is irrelevant to the subject matter of this litigation, and are not reasonably calculated to lead to the discovery of admissible evidence.

19. Colgan and other so-called “non-carrier” defendants participated in a “meet and confer” session with certain counsel for the plaintiffs on March 11, 2003. During that meeting, counsel for the plaintiffs agreed that Colgan’s obligation to respond to plaintiffs’ document requests would be limited with respect to the following categories:

- a. Colgan’s obligation to respond to the discovery requests is limited to the airports in which it is a named defendant in this action;
- b. The maximum time frame for which documents will be produced is five years. To the extent, however, that any specific request seeks documents for a time period less than five years, the lesser time frame shall govern;

- c. Colgan is not obligated to respond to those requests relating to training materials for hijacking situations, including training materials for flight crew members and Inflight Security Coordinators.
- d. Colgan is only obligated to produce LOI's and enforcement actions dealing with alleged breaches of security checkpoints or the screeners. The scope of production is further limited by Sections 21(a) and (b);
- e. Colgan is not obligated to produce documents relative to passenger and baggage screening;
- f. Colgan is not obligated to produce documents relative to procedures for matching passenger lists with "watch lists"
- g. Colgan is not obligated to respond to those document requests seeking information relative to the employment standards of security checkpoint screeners.
- h. Colgan's obligation to produce documents sought in Requests Nos. 18-20, including IATA minutes, Security Directives and Information Circulars, are limited to topics related to the threat of terrorism or hijacking.
- i. Colgan is not obligated to produce documents regarding the duties, responsibilities and/or obligations of law enforcement personnel.
- j. Colgan's obligation to produce information in response to Request Nos. 49, 50 and 52 shall be limited in scope to the threat of terrorism or hijacking.
- k. Colgan is not obligated to produce documents pertinent to prior hijackings and/or cockpit intrusions.

To the extent that these concessions are later modified, Colgan reserves the right to amend its responses.

22. Colgan submits that its discovery obligations must be determined in accordance with applicable federal law that limits its security responsibilities to implementing the federal security plan set forth in the FAA approved ACSSP with respect to Colgan's operations. Any discovery requests that fall outside Colgan's responsibilities under same are irrelevant to plaintiffs' claims and impose an undue burden on Colgan.

23. The general objections stated above and the objections to specific requests stated below are made as to matters that are clearly objectionable from the face of the requests. These objections are made without prejudice to or waiver of Colgan's right to object on all appropriate grounds to the production of specific documents hereafter, either prior to or at the time of production of such documents.

24. Colgan reserves the right to amend and/or supplement its responses at a later date. These supplemental responses may include additional objections and/or specific assertions of the attorney-client or attorney work product doctrine privileges in accordance with the applicable rules.

SPECIFIC RESPONSES

Colgan incorporates by reference and asserts each of its General Objections stated above in addition to asserting the following specific responses to plaintiffs' requests.

REQUEST NO. 1:

Produce the approved security program ("ACSSP") for American Airlines ("American") and United Airlines ("United") applicable to Logan International Airport (American Flight 11 and United Flight 175), Newark International Airport (United Flight 93), Dulles International Airport (American Flight 77) and for Colgan Air d/b/a US Airways Express applicable to Portland International Jetport (Colgan Air d/b/a US Airways Express Flight 5930) in effect on September 11, 2001.

RESPONSE TO REQUEST NO. 1:

Colgan objects to this request on the ground that it seeks the production of documents containing Sensitive Security Information ("SSI") controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security.

REQUEST NO. 2:

Produce all of your Federal Aviation Administration ("FAA") or Transportation Security Administration ("TSA") approved Security Programs, including all amendments and modifications in force after September 11, 2001.

RESPONSE TO REQUEST NO.2:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it seeks the

production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 3:

Produce the passenger lists or manifests for each of the hijacked flights, including all changes, amendments and modifications made thereto within the fourteen days preceding and including September 11, 2001.

RESPONSE TO REQUEST NO. 3:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

REQUEST NO. 4:

Produce all documentation reflecting your policies, procedures, guidelines and/or protocols as they existed on September 11, 2001 for matching passenger lists and/or manifests with government "watch lists", including watch lists issued by the Department of Justice, Federal Bureau of Investigation and/or Immigration and Naturalization Service.

RESPONSE TO REQUEST NO. 4:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of

Transportation for Security. Colgan also objects to this request on the grounds that it seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, plaintiffs' have agreed that Colgan is not obligated to respond to this discovery request at this juncture.

REQUEST NO. 5:

Produce a list of all individuals (and their employer) who provided passenger screening services for each of the hijacked aircraft and for Colgan Air d/b/a US Airways Express Flight 5930 that departed Portland International Jetport on September 11, 2001, including, but not limited to, each sterile area, check point, hold area and/or gate area within the respective airports where each of the aforementioned aircraft departed.

RESPONSE TO REQUEST NO. 5:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 6:

Provide all documentation reflecting the background checks for each individual who provided passenger and baggage screening services in any manner whatsoever with respect to each of the hijacked aircraft and for Colgan Air d/b/a US Airways Express Flight 5930 that departed Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 6:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 7:

Provide all documentation generated during the hiring process for each individual who provided passenger screening services for each of the hijacked aircraft and for Colgan Air d/b/a US Airways Express Flight 5930 that departed Portland International Jetport on September 11, 2001, including all employment applications completed by said individuals.

RESPONSE TO REQUEST NO. 7:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 8:

Produce all documents showing compliance with the employment history verification and criminal history records checks pursuant to 14 C.F.R. § 107.31 for all persons having unescorted access to any security identification display area (“SIDA”) at Boston Logan International Airport, Portland International Jetport, Washington Dulles International Airport, and Newark International Airport between September 11, 1999 through and including September 11, 2001.

RESPONSE TO REQUEST NO. 8:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties’ claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 9:

Produce all documentation utilized as of September 11, 2001 to train individuals involved in the passenger and baggage screening process, including initial and recurrent training, including, but not limited to, all written curricula, guidelines, study aids as well as all audio and visual presentations.

RESPONSE TO REQUEST NO. 9:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that

are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 10:

Produce all documents pertaining to the Supervisor Security Training Program, including, without limitation, all written curricula, videotapes, audiotapes, guidelines, and study aids in effect on September 11, 2001.

RESPONSE TO REQUEST NO. 10:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 11:

Provide the complete personnel file for each individual who provided passenger screening services with respect to each of the hijacked aircraft and with respect to Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001, including, but not limited to, all screener training records, including screener tests and evaluations.

RESPONSE TO REQUEST NO. 11:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 12:

Produce all documents showing compliance with the employment standards pursuant to 14 C.F.R. § 108.31 for all of your security checkpoint screeners employed at Boston Logan International Airport, Portland International Jetport, Washington Dulles International Airport, and Newark International Airport between September 11, 1999 through September 11, 2001.

RESPONSE TO REQUEST NO. 12:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 13:

Produce all documents showing compliance with the employment history background check pursuant to 14 C.F.R. § 108.33 for all of your security checkpoint screeners employed at Boston Logan International Airport, Portland International Jetport, Washington Dulles International Airport, and Newark International Airport between September 11, 1999 through September 11, 2001.

RESPONSE TO REQUEST NO. 13:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 14:

Provide a list of all test items utilized as of September 11, 2001 during training simulations for pre-boarding screeners including, explosive devices, firearms (real or fake), and/or all dangerous and deadly weapons.

RESPONSE TO REQUEST NO. 14:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 15:

Provide all screener operator logs for each of the areas that provided pre-boarding screening for each of the hijacked aircraft and for Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 15:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 16:

Produce all documents that established the policies, procedures, guidelines and/or protocols for checkpoint security as they existed on September 11, 2001.

RESPONSE TO REQUEST NO. 16:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of

permissible discovery.

REQUEST NO. 17:

Produce all documents pertaining, regarding, relating, evidencing and/or referring to any violations, enforcement actions, warnings, fines and/or admonitions to you from the FAA or TSA in the preceding 10 years with respect to 14 C.F.R. Part 107 or 108.

RESPONSE TO REQUEST NO. 17:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 18:

Produce all documents received from the FAA and/or any governmental agency concerning terrorist threats, including, but not limited to the use of civilian aircraft as weapons of mass destruction, as well as security directives, briefings, alerts and/or information circulars regarding terrorism and/or threats of terrorist activities for the ten year period preceding September 11, 2001.

RESPONSE TO REQUEST NO. 18:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of

documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 19:

Produce all Security Directives issued to you by the FAA and/or any governmental agency pursuant to 14 C.F.R. § 108.18 for the five year period preceding September 11, 2001.

RESPONSE TO REQUEST NO. 19:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 20:

Produce all Information Circulars issued to you by the FAA and/or any governmental agency pursuant to 14 C.F.R. § 108.18 for the five year period preceding September 11, 2001.

RESPONSE TO REQUEST NO. 20:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the

scope of permissible discovery.

REQUEST NO. 21:

Produce all documents reflecting, relating, pertaining, and/or regarding your acknowledgment, implementation and distribution of all Security Directives and Information Circulars issued to you by the FAA and/or any governmental agency for the five year period preceding September 11, 2001 pursuant to 14 C.F.R. § 108.18(b)(1), (2) and (3) and any alternative compliance measures taken pursuant to 14 C.F.R. § 108.18(c).

RESPONSE TO REQUEST NO. 21:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 22:

Identify and produce all documents reflecting, relating, pertaining and/or regarding the manner in which prior to September 11, 2001 you communicated in any manner whatsoever with the FAA and/or any governmental agency concerning terrorist activities and/or threats of terrorism against civilian aviation.

RESPONSE TO REQUEST NO. 22:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time and subject matter and seeks the production of

documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 23:

Provide all documentation exchanged by and between the FAA and/or any governmental agency and you of any communications reflecting, relating, pertaining and/or regarding terrorist activities and/or threats of terrorism against civilian aviation for the ten year period prior to September 11, 2001, including all security directives, briefings, alerts and/or information circulars regarding same.

RESPONSE TO REQUEST NO. 23:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 24:

Produce all documents reflecting, relating, pertaining and/or regarding the aircraft security inspection of each of the hijacked aircraft on September 11, 2001 pursuant to 49 C.F.R. § 108.13(d).

RESPONSE TO REQUEST NO. 24:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Subject to and without waiving the foregoing objections and the

General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

REQUEST NO. 25:

Produce all documents reflecting, relating, pertaining and/or regarding the aircraft security inspections of the subject aircraft conducted by you between September 11, 1999 through September 11, 2001, pursuant to 49 C.F.R. § 108.13(d).

RESPONSE TO REQUEST NO. 25:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request regarding the subject American and United aircraft.

REQUEST NO. 26:

Produce all documents reflecting, relating, pertaining and/or regarding the aircraft security inspections of the subject aircraft at Boston Logan International Airport, Portland International Jetport, Washington Dulles International Airport, and Newark International Airport between September 11, 1999 through September 11, 2001, pursuant to 14 C.F.R. § 108.13(d).

RESPONSE TO REQUEST NO. 26:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of

documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request regarding the subject American and United aircraft.

REQUEST NO. 27:

Produce any and all documents in existence as of September 11, 2001 delineating and/or defining dangerous and deadly weapons maintained by you as well as any documentation containing a definition of dangerous and deadly weapons as set forth in the Federal Aviation Regulations ("FARs").

RESPONSE TO REQUEST NO. 27:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 28:

Produce all documents in existence as of September 11, 2001 reflecting, relating, pertaining and/or regarding any guidelines, waivers, or the like issued by the FAA and/or any governmental agency to airport operators, air carriers, passenger security screening companies, law enforcement personnel, and/or others involved in any passenger screening with respect to the determination of what should be considered a dangerous or deadly weapon or object in the possession of a passenger.

RESPONSE TO REQUEST NO. 28:

Colgan objects to this request on the ground that it seeks the production of documents containing

SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 29:

Provide all documentation reflecting, relating, pertaining and/or regarding pre-boarding screening procedures and guidelines applicable to the pre-boarding activities for each of the hijacked aircraft and for Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 29:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 30:

Provide all documentation reflecting policies, procedures, guidelines and/or protocols as they existed on September 11, 2001 to be followed when a passenger entering a sterile area causes the metal detector alarm to activate in each airport where the hijacked aircraft departed as well as for Portland International Jetport.

RESPONSE TO REQUEST NO. 30:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 31:

Provide all documentation reflecting policies, procedures, guidelines and/or protocols as they existed on September 11, 2001 to be followed when a weapon of any nature, and/or an item that could potentially be used as a weapon, is discovered in the possession of an individual as a result of any pre-boarding screening, including, but not limited to, through the use of a metal detector in each airport where the hijacked aircraft departed and for Portland International Jetport.

RESPONSE TO REQUEST NO. 31:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 32:

Provide all documentation as it existed on September 11, 2001 reflecting the duties, responsibilities and/or obligations of law enforcement officers assigned to the respective pre-

screening areas in each of the airports where the hijacked aircraft departed and for the screening areas applicable to Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 32:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 33:

Provide all documentation as it existed on September 11, 2001 reflecting the screening process for carry on items in each of the airports where the hijacked aircraft departed as well as for Portland International Jetport.

RESPONSE TO REQUEST NO. 33:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 34:

Provide all documentation reflecting, relating, pertaining and/or regarding policies, procedures, guidelines and/or protocols as they existed on September 11, 2001 that pre-boarding screeners were to follow related to the discovery of an item during the pre-boarding process that is inimical or adverse to flight safety for each of the airports where the hijacked aircraft departed as well as for Portland International Jetport.

RESPONSE TO REQUEST NO. 34:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 35:

Provide all documentation in existence as of September 11, 2001 that identified items that were considered inimical and/or adverse to flight safety.

RESPONSE TO REQUEST NO. 35:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time and subject matter and seeks the production of

documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 36:

Provide all documentation in existence as of September 11, 2001 reflecting the duties, responsibilities and/or obligations of the screener-in-charge with respect to each of the screening areas in the airports where the hijacked aircraft departed as well as for Portland International Jetport.

RESPONSE TO REQUEST NO. 36:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 37:

Provide all documentation identifying the screener-in-charge for each area that provided pre-boarding screening services for each of the hijacked aircraft and for Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 37:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of

Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 38:

Provide all documentation in existence as of September 11, 2001 reflecting the duties, responsibilities and/or obligations of the Checkpoint Security Supervisor with respect to each of the screening areas in the airports where the hijacked aircraft departed and the applicable screening area for Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 38:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 39:

Provide all documentation identifying the Checkpoint Security Supervisor with respect to each area that provided pre-boarding screening services for each of the hijacked aircraft and for Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 39:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 40:

Provide all documentation in existence as of September 11, 2001 reflecting the duties, responsibilities and/or obligations of the Ground Security Coordinator with respect to each of the screening areas in the airports where the hijacked aircraft departed as well as for Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 40:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 41:

Produce all documents reflecting, relating, pertaining and/or regarding the daily reviews conducted by your Ground Security Coordinator at Boston Logan International Airport, Portland International Jetport, Washington Dulles International Airport, and Newark International Airport between September 11, 1999 through September 11, 2001 pursuant to 14 C.F.R. § 108.29(a)(2).

RESPONSE TO REQUEST NO. 41:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 42:

Provide all documentation identifying the Ground Security Coordinator for each area that provided pre-boarding screening services for each of the hijacked aircraft and for Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 42:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly

broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 43:

Produce all documents reflecting, relating, pertaining and/or regarding the security training given by you at any time to your Ground Security Coordinator at Boston Logan International Airport, Portland International Jetport, Washington Dulles International Airport, and Newark International Airport as of September 11, 2001 pursuant to 14 C.F.R. § 108.23(a).

RESPONSE TO REQUEST NO. 43:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to the time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 44:

Produce the complete personnel files, including, without limitation, training records and background checks, of each security check point screener, including supervisory and management personnel, employed by you acting in that capacity at Portland International Jetport, Boston Logan International Airport, Washington Dulles International Airport and Newark International Airport at anytime in the 5 year period prior to and including September 11, 2001.

RESPONSE TO REQUEST NO. 44:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 45:

Produce all documents reflecting, relating, pertaining and/or regarding the security training given by you at anytime to your Inflight Security Coordinator as of September 11, 2001 at Boston Logan International Airport, Portland International Jetport, Washington Dulles International Airport, and Newark International Airport pursuant to 14 C.F.R. § 108.23(a) for the subject flights.

RESPONSE TO REQUEST NO. 45:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 46:

Produce all documents reflecting, relating, pertaining and/or regarding any Special Emphasis Assessments, Red Team Inspections, Security Sweeps, and/or any other inspections or assessments of security equipment, personnel, and/or procedures employed by you and your security screening contractor, between September 11, 1999 through and including September 11, 2001, specifically including documents identifying all employees, participants and/or experts involved in any of the aforementioned inspections.

RESPONSE TO REQUEST NO. 46

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 47:

Produce all documents reflecting, relating, pertaining and/or regarding any meetings and other communications by and between the Airline Management Group at Boston Logan International Airport, Portland International Jetport, Washington Dulles International Airport, and Newark International Airport between September 11, 1999 through September 11, 2001, specifically including documents identifying all employees, participants and/or experts involved in any of the aforementioned meetings.

RESPONSE TO REQUEST NO. 47:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to place and subject matter and seeks the production of

documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections or the General Objections, Colgan does not possess documents responsive to this request.

REQUEST NO. 48:

Produce all documents reflecting, relating, pertaining and/or regarding any meetings or other communications by and between the Security Training Sub-Group of the Airline Management Group at Boston Logan International Airport, Portland International Jetport, Washington Dulles International Airport, and Newark International Airport between September 11, 1999 through September 11, 2001, specifically including documents identifying all employees, participants and/or experts involved in any of the aforementioned meetings.

RESPONSE TO REQUEST NO. 48:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections or the General Objections, Colgan does not possess documents responsive to this request.

REQUEST NO. 49:

Produce all documents, including, but not limited to, memoranda, correspondence and/or minutes, from any meeting wherein airport security at Boston Logan International Airport, Portland International Jetport, Washington Dulles International Airport, and Newark International Airport was discussed for the ten year period preceding September 11, 2001.

RESPONSE TO REQUEST NO. 49:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery, therefore, are outside the scope of permissible discovery.

REQUEST NO. 50:

Produce all documents reflecting, relating, pertaining and/or regarding any correspondence or other communications by and between you and the airport operator (as defined under the FAR's) relating to any joint security testing at Boston Logan International Airport, Portland International Jetport, Washington Dulles International Airport, and Newark International Airport between September 11, 1999 through September 11, 2001.

RESPONSE TO REQUEST NO. 50:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 51:

Produce all documents reflecting, relating, pertaining and/or regarding the Logan Airport

Security Enhancement and Review (LASER) program in effect on September 11, 2001.

RESPONSE TO REQUEST NO. 51:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 52:

Produce all documents reflecting, relating, pertaining and/or regarding any meetings or other communications by and between the security advisory committee of International Air Transport Association (“IATA”) and you with respect to any warnings, advisories, alerts, guidelines, and the like issued by said committee within the ten year period preceding September 11, 2001.

RESPONSE TO REQUEST NO. 52:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties’ claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 53:

Produce all documents, including, but not limited to, records of each law enforcement action taken pursuant to 14 C.F.R. § 107.23 between September 11, 1999 through September 11, 2001.

RESPONSE TO REQUEST NO. 53:

Colgan objects to this request on the ground that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 54:

Provide the complete Checkpoint Operations Guide as it existed on September 11, 2001.

RESPONSE TO REQUEST NO. 54:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible.

REQUEST NO. 55:

Provide complete copies of any and all domestic screening audits conducted by you of any pre-boarding screeners and or screening companies providing pre-boarding screening services for the five year period preceding September 11, 2001, specifically including domestic screening audits for the pre-boarding screeners that provided pre-boarding screening services for each of the hijacked aircraft and for Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 55:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 56:

Provide all documentation detailing the manner in which pre-boarding screening companies were hired and/or selected by you for the ten year period preceding September 11, 2001 specifically including with respect to those companies that provided pre-boarding screening services for each of the hijacked aircraft and for Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 56:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 57:

Provide all documentation, including, but not limited to, memorandum, correspondence, contractual agreements and/or invoices, including all attachments, addenda, appendices, riders

and/or exhibits, exchanged by and between you and the respective pre-boarding screening company (checkpoint and baggage), its agents, servants and/or employees, that provided pre-boarding screening services in any manner whatsoever for each of the hijacked aircraft and for Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001, for the five year period preceding September 11, 2001.

RESPONSE TO REQUEST NO. 57:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 58:

Produce the contract, in its entirety, including all attachments, addenda, appendices, riders, exhibits, etc., between you and your security contractor providing checkpoint and baggage screening services at Boston Logan International Airport, Portland International Jetport, Washington Dulles International Airport, and Newark International Airport in effect on September 11, 2001.

RESPONSE TO REQUEST NO. 58

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 59:

Provide all documentation setting forth the time each of the hijacked aircraft began its respective takeoff roll.

RESPONSE TO REQUEST NO. 59:

Colgan objects to this request on the grounds that it is overly broad and unduly burdensome, and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

REQUEST NO. 60:

Produce all cost sharing agreements between you and any other entity regarding the issue of airport security at Boston Logan International Airport, Portland International Jetport, Washington Dulles International Airport, and Newark International Airport for the ten year period preceding September 11, 2001.

RESPONSE TO REQUEST NO. 60:

Colgan objects to this request to the extent that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections or the General Objections, Colgan will search for and produce documents that constitute contracts regarding the provision of checkpoint security at Portland airport.

REQUEST NO. 61:

Provide all documentation setting forth your policies, procedures, guidelines and/or protocols with respect to a flight crew's response to a hijack situation as they existed on September 11, 2001.

RESPONSE TO REQUEST NO. 61

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan further objects to this request on the grounds that it is overly broad and unduly burdensome as to the subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 62:

Provide all documentation setting forth your policies, procedures, guidelines and/or protocols reflecting, relating, pertaining and/or regarding corporate management's response to a hijack situation as they existed on September 11, 2001.

RESPONSE TO REQUEST NO. 62:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan further objects to this request on the grounds that it is overly broad and unduly burdensome as to the subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 63:

Provide all documentation detailing the names of all individuals and/or governmental agencies that are required to receive notice once you are aware of a hijack situation as said procedures existed on September 11, 2001.

RESPONSE TO REQUEST NO. 63:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan further objects to this request on the grounds that it is overly broad and unduly burdensome as to the subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 64:

Provide all documentation setting forth any notifications given as a result of the hijackings of September 11, 2001 in accordance with your company's policy and procedure.

RESPONSE TO REQUEST NO. 64:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan further objects to this request on the grounds that it is overly broad and unduly burdensome as to the subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 65:

Provide all documentation regarding cockpit door design for each of the hijacked aircraft.

RESPONSE TO REQUEST NO. 65:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time and subject matter and, therefore, seeks the production of documents that are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

REQUEST NO. 66:

Provide all documentation regarding any alternative feasible design considered for the cockpit door on each of the hijacked aircraft, including, all documents reflecting damage tolerances of the cockpit door as well as considerations given to strengthening the cockpit door against unwanted intrusion into the cockpit.

RESPONSE TO REQUEST NO. 66:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time and subject matter and, therefore, seeks the production of documents that are outside the scope of permissible discovery. Subject to and without

waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

REQUEST NO. 67:

Produce all documents, including, without limitation, any tapes, records, notes, memoranda, reports, summaries or other documents of any kind reflecting any communications between the hijacked aircraft and air traffic control.

RESPONSE TO REQUEST NO. 67:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

REQUEST NO. 68:

Produce all documents, including, without limitation, any tapes, records, notes, memoranda, reports, summaries or other documents of any kind pertaining, referring, referencing, evidencing, and/or relating to any communications between your employees on board any of the hijacked aircraft and your employees on the ground on September 11, 2001.

RESPONSE TO REQUEST NO. 68:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Subject to and without waiving the foregoing objections and the

General Objections, Colgan does not possess any documents responsive to this request.

REQUEST NO. 69:

Provide all documentation regarding training provided to flight crews as of September 11, 2001 regarding a hijack situation.

RESPONSE TO REQUEST NO. 69:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 70:

Provide all documentation regarding training provided to cabin crews as of September 11, 2001 regarding a hijack situation.

RESPONSE TO REQUEST NO. 70:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 71:

Provide the Pilot Operating Handbook applicable to each of the four hijacked aircraft.

RESPONSE TO REQUEST NO. 71:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

REQUEST NO. 72:

Provide your Air Carrier Operating Certificate.

RESPONSE TO REQUEST NO. 72:

Colgan objects to this request on the ground that it seeks irrelevant information as well as information that is in the public record and, therefore, is equally accessible to the plaintiffs.

REQUEST NO. 73:

Provide all documentation reflecting any upset and/or unusual attitude training provided to flight crews as of September 11, 2001 with respect to a known hijack situation and a flight crew's attempt to prevent same.

RESPONSE TO REQUEST NO. 73:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly

broad and unduly burdensome as to time and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 74:

Provide all documentation regarding ticketing, boarding passes and seat assignments for all individuals on board each of the hijacked aircraft.

RESPONSE TO REQUEST NO. 74:

Colgan objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 75:

Provide a list of all persons on board each of the hijacked aircraft.

RESPONSE TO REQUEST NO. 75:

Colgan objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to the foregoing objection and to its General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

REQUEST NO. 76:

Produce documentation identifying each person on board an aircraft who participated in the hijacking of United Airlines Flight 175, American Airlines Flight 11, United Airlines Flight 93, and American Airlines Flight 77 on September 11, 2001.

RESPONSE TO REQUEST NO. 76:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to the foregoing objections and to its General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

REQUEST NO. 77:

Provide all training records for the flight crew of each of the hijacked aircraft, including specifically any documentation reflecting any upset and/or unusual attitude training received as a result of a known hijack situation and the flight crew's attempt to prevent same.

RESPONSE TO REQUEST NO. 77:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

REQUEST NO. 78:

Provide the Aircraft Flight Manual for each of the hijacked aircraft.

RESPONSE TO REQUEST NO. 78:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

REQUEST NO. 79:

Provide a partial and/or complete transcript of the cockpit voice recorder for each of the hijacked aircraft as well as the original or duplicate of the cockpit voice recorder tape.

RESPONSE TO REQUEST NO. 79:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

REQUEST NO. 80:

Provide all documentation setting forth any communications between any crew member (flight crew and/or cabin crew) aboard each of the hijacked aircraft with air traffic control and/or anyone else.

RESPONSE TO REQUEST NO. 80:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

REQUEST NO. 81:

Provide all documentation reflecting radar returns and/or depictions of radar returns for each of the hijacked aircraft.

RESPONSE TO REQUEST NO. 81:

Colgan objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Colgan further objects to this request to the extent that it seeks the production of information that is not within its possession, custody or control. Subject to the foregoing objections and to the General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

REQUEST NO. 82:

Produce all documents containing any partial or complete printout and/or readout of the flight data recorder or digital flight data recorder for each of the hijacked aircraft in both its corrected and uncorrected forms.

RESPONSE TO REQUEST NO. 82:

Colgan objects to this request to the extent that it seeks the production of information that is not within its possession, custody or control. Subject to the foregoing objections and to the General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

REQUEST NO. 83:

All documents containing photographs, videotapes or other visual depictions of each of the hijacked aircraft.

RESPONSE TO REQUEST NO. 83:

Colgan objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Colgan further objects to this request on the grounds that it seeks the production of information that is not within its possession, custody or control and seeks the production of documents that are in the public domain and, thus, equally accessible to the plaintiffs.

REQUEST NO. 84:

Provide all documentation reflecting, relating, pertaining and/or regarding the investigation into each of the hijacked aircraft.

RESPONSE TO REQUEST NO. 84:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly

broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Colgan further objects to this request on the ground that it seeks the production of documents containing attorney-client communications, which are privileged.

REQUEST NO. 85:

Provide all formal and/or informal reports, or drafts of same, regarding each hijacked aircraft prepared by you and/or any governmental agency involved in the investigation into each of the hijacked aircraft, including, but not limited to, the National Transportation Safety Board ("NTSB"), the FAA and/or the Federal Bureau of Investigation ("FBI").

RESPONSE TO REQUEST NO. 85:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Colgan also objects to this request to the extent that it seeks the production of documents that are not within its possession, custody or control. Colgan further objects to this request on the ground that it seeks the production of documents containing attorney-client communications, which are privileged.

REQUEST NO. 86:

Provide all documentation regarding any investigation into a hijack event, whether such event occurred on American, United and/or any other domestic or foreign air carrier for the ten year period preceding September 11, 2001.

RESPONSE TO REQUEST NO. 86:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections or the General Objections, Colgan has never experienced a hijack event and, therefore, does not possess any documents responsive to this request.

REQUEST NO. 87:

Produce all documentation reflecting, relating, pertaining and/or regarding the date and location of every hijacking incident or attempted hijacking incident raised by you or your aircraft since 1970.

RESPONSE TO REQUEST NO. 87:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections or the General Objections, Colgan has never experienced a hijack event and, therefore, does not possess any documents responsive to this request.

REQUEST NO. 88:

Produce all documentation reflecting, relating, pertaining and/or regarding each and every incident of unwanted cockpit intrusion involving you or your aircraft and/or any other domestic and/or foreign air carrier since 1970.

RESPONSE TO REQUEST NO. 88:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections or the General Objections, Colgan has never experienced an "unwanted cockpit intrusion" hijack event and, therefore, does not possess any documents responsive to this request.

REQUEST NO. 89:

Produce all documentation reflecting any communications from and/or to you and/or your agents, servants, employees and/or representatives, and the NTSB, the FAA, the FBI and/or any other governmental agency regarding the hijacked aircraft.

RESPONSE TO REQUEST NO. 89:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that

are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 90:

Produce all documentation regarding any communication between you and the Airline Pilots Association ("ALPA") and/or the Allied Pilots Association ("APA") concerning any of the hijacked aircraft and investigation into same.

RESPONSE TO REQUEST NO. 90:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Subject to and without waiving the foregoing objections and the General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

REQUEST NO. 91:

Produce all communications to and between any person, firm, or governmental agency, including, but not limited to your agents, servants, employees and/or representatives, other than as set forth herein regarding the investigation into each of the four hijacked aircraft.

RESPONSE TO REQUEST NO. 91:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of

Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Colgan further objects to this request on the ground that it seeks the production of documents containing attorney-client communications, which are privileged.

REQUEST NO. 92:

Produce all documents, as well as a list of same, provided to any governmental agency as a result of the investigation into each of the four hijacked aircraft.

RESPONSE TO REQUEST NO. 92:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 93:

Produce all documents identifying each of your employees having access to any "Security Sensitive Information" as defined by 14 C.F.R. Part 191 or information covered by 14 C.F.R. Part 193 between September 11, 1999 through September 11, 2001.

RESPONSE TO REQUEST NO. 93:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of

Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 94:

Produce all documents containing any insurance agreement which provides coverage for liability claims as a result of the crash of each of the four hijacked aircraft, including claims brought by passengers and/or victims injured or killed on the ground.

RESPONSE TO REQUEST NO. 94:

Colgan objects to this request on the ground that it seeks the production of documents that are not relevant to the claims or defenses in this action. Subject to and without waiving the foregoing objections and the General Objections, Colgan will produce insurance information applicable to this claim in accordance with the Supplemental Case Management Order dated October 24, 2003.

REQUEST NO. 95:

Produce all documents showing policy limits for claims resulting from the crash of each of the four hijacked aircraft.

RESPONSE TO REQUEST NO. 95:

Colgan objects to this request on the ground that it seeks the production of documents that are not relevant to the claims or defenses in this action. Subject to and without waiving the foregoing objections and the General Objections, Colgan will produce insurance information applicable to this claim in accordance with the Supplemental Case Management Order dated October 24, 2003.

REQUEST NO. 96:

Produce all documents pertaining to your insurance coverage and any claims received and/or paid by such insurance arising from the hijacking of any aircraft owned and/or operated by you, and produce all documentation identifying any entity with whom you have contracted in obtaining insurance coverage related to aviation hijacking in effect on September 11, 2001.

RESPONSE TO REQUEST NO. 96:

Colgan objects to this request as vague, ambiguous, overly broad and seeking irrelevant information. Subject to and without waiving the foregoing objections and the General Objections, Colgan will produce insurance information applicable to this claim in accordance with the Supplemental Case Management Order dated October 24, 2003.

REQUEST NO. 97:

Produce all documents containing any agreement signed by you and/or your agents, servants, employees and/or representatives as a result of the investigation into each of the four hijacked aircraft.

RESPONSE TO REQUEST NO. 97:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Colgan further objects to this request to the extent it seeks documents that are privileged and immune from disclosure.

REQUEST NO. 98:

Produce all documents identifying anyone, including, but not limited to, your agents,

servants, employees and/or representatives who participated in the investigation into each of the four hijacked aircraft as well as with respect to any investigation into Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 98:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Colgan further objects to this request to the extent it seeks production of documents concerning federal criminal, Homeland Security, and Department of Defense investigations of the September 11, 2001 terrorist attacks on the U.S., which may be protected from disclosure.

REQUEST NO. 99:

Produce all documents containing or recording communications of any nature between any of your insurers and/or reinsurers and any governmental agency involved in the investigation into the crash of each of the four hijacked aircraft as well as regarding the investigation into Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 99:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly

broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Colgan further objects to this request to the extent it seeks production of documents concerning federal criminal, Homeland Security, and Department of Defense investigations of the September 11, 2001 terrorist attacks on the U.S., which may be protected from disclosure.

REQUEST NO. 100:

Produce all documentation contained within your complete file regarding the investigation into each of the four hijacked aircraft as well as for Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 100:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Colgan further objects to this request on the grounds that it seeks the production of documents containing attorney-client communications and attorney work product, which are privileged.

REQUEST NO. 101:

Produce all documents reflecting, relating, pertaining and/or regarding any and all interviews conducted by you of any individual involved in pre-boarding screening of the passengers on board each of the four hijacked aircraft, as well as any individual involved in pre-

boarding screening of the passengers on board Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 101:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Colgan further objects to this request on the grounds that it seeks the production of documents containing attorney-client communications and attorney work product, which are privileged.

REQUEST NO. 102:

Produce all documents reflecting, relating, pertaining and/or regarding any and all interviews conducted by any governmental agency of any individual involved in pre-boarding screening of the passengers on board each of the four hijacked aircraft and Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 102:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

Colgan also objects to this request on the grounds that it seeks the production of documents containing attorney-client communications and attorney work product, which are privileged.

REQUEST NO. 103:

Produce all documents reflecting, relating, pertaining and/or regarding any and all witness statements taken by or given to you of any individual involved in pre-boarding screening of the passengers on board each of the four hijacked aircraft and Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 103:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Colgan also objects to this request on the grounds that it seeks the production of documents containing attorney-client communications and attorney work product, which are privileged.

REQUEST NO. 104:

Produce all documents reflecting, relating, pertaining and/or regarding any and all witness statements taken by or given to any governmental agency of any individual involved in pre-boarding screening of the passengers on board each of the four hijacked aircraft and Colgan Air d/b/a US Airways Express Flight 5930 that departed from Portland International Jetport on September 11, 2001.

RESPONSE TO REQUEST NO. 104:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery. Colgan also objects to this request on the grounds that it seeks the production of documents containing attorney-client communications and attorney work product, which are privileged.

REQUEST NO. 105:

Produce all documents reflecting, relating, pertaining and/or regarding any notifications or other communications from the Security and Exchange Commission to you regarding stock market activity of your stock, and the value of same, for the time period of January 1, 2001 up through and including December 31, 2001.

RESPONSE TO REQUEST NO. 105:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

REQUEST NO. 106:

Produce any and all design, feasibility, cost, production, manufacturing or related studies

or reports conducted or requested by Boeing concerning the cockpit doors and accompanying cockpit locks in the subject aircraft.

RESPONSE TO REQUEST NO. 106:

Colgan objects to this request on the ground that it is overly broad, unduly burdensome as to time, place and subject matter, and seeks the production of documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections and to its General Objections, Colgan does not possess any documents responsive to this request regarding the hijacked American and United aircraft.

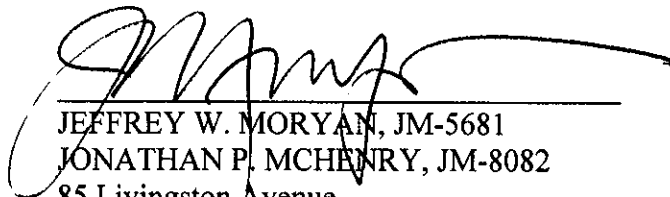
REQUEST NO. 107:

Please produce any and all documents that identify the airline carriers and/or others responsible for passenger and/or baggage screening areas applicable to the airport areas from where the hijacked aircraft departed.

RESPONSE TO REQUEST NO. 107:

Colgan objects to this request on the ground that it seeks the production of documents containing SSI controlled and protected by the provisions of 49 CFR Part 1520 and the U.S. government, which are not subject to disclosure without the authorization of the Under Secretary of Transportation for Security. Colgan also objects to this request on the grounds that it is overly broad and unduly burdensome as to time, place and subject matter and seeks the production of documents that are not relevant to the parties' claims and defenses and, therefore, are outside the scope of permissible discovery.

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Attorneys for Defendant, Colgan Air, Inc.

Dated: November 6, 2003

TO:
All Defendants

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