



**CIVIL RIGHTS
INVESTIGATIVE
SUBPOENA DUCES TECUM WITHOUT DEPOSITION**

**STATE OF FLORIDA
DEPARTMENT OF LEGAL AFFAIRS
OFFICE OF THE ATTORNEY GENERAL**

CASE NO.: L05-4-1548

TO: US Airways, Inc.

C/O CT Corporation System
1200 S. Pine Island Road
Plantation, FL 33324

This investigative Subpoena Duces Tecum without Deposition is issued pursuant to Florida's Civil Rights Act, Chapter 760, Part III, Florida Statutes in the course and authority of an official investigation. The general purpose and scope of this investigation extends to possible civil rights violations concerning the business practices, policies and procedures of US Airways, Inc regarding persons with disabilities. Your attention is directed to §16.57 and §760.51 Florida Statutes, printed on the attached statement of legal authorities.

YOU ARE HEREBY COMMANDED to produce to Allison K. Bethel, Assistant Attorney General, on or before March 18, 2005 information deemed necessary in connection with the administration of Chapter 760, Part III, Florida Statutes (the Florida Civil Rights Act). The general purpose of this subpoena is to investigate the business practices, policies and procedures of US Airways, Inc. located at 2345 Crystal Drive, Arlington VA, 22227 in accordance with this Act.

If you wish, you may submit the requested materials by mailing copies of same to ALLISON K.

BETHEL, ASSISTANT ATTORNEY GENERAL, DEPARTMENT OF LEGAL AFFAIRS, OFFICE OF THE ATTORNEY GENERAL, CIVIL RIGHTS DIVISION, 110 South East 6th Street, 10th Floor, Ft. Lauderdale, Florida 33301.

AMERICANS WITH DISABILITIES ACT NOTICE

If you are a person with a disability who needs any accommodation in order to participate in this proceeding or respond to this subpoena, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at the Court Administration Office at 201 SE 6th Street, Fort Lauderdale, Florida 33301, telephone number 954-831-6364. If you are hearing impaired, telephone the Florida Relay Service at (800) 955-8771 for assistance.

For the purposes of this subpoena duces tecum, the following definitions apply:

DEFINITIONS

A) "Documents" means all writings of any kind or nature, including, but not limited to, correspondence, electronic mail, papers filed with governmental authorities, complaints, licenses, authorizations, diplomas, transcripts, certificates, records of attendance, dealership agreements, other agreements, letters, telegrams, log books, memoranda, price quotations, catalogs, price books, invoices, receipts, sales contracts, estimates, business records, regularly kept summaries or compilations of business records, inventories, ledgers, accounts, sales records, vouchers, shipping invoices or notices, newsletters, price lists, bids, worksheets, brochures, reports, surveys, tests, strategies, plans, studies, contracts, understandings, arrangements, appointment books, calendar and diary entries, minutes, pamphlets, notes charts, tabulations, books, records, bulletins, advertisements, interoffice communications, training materials and records of meetings, conferences and telephone or other conversations or communications, whether they be contained in paper or other tangible medium or are maintained electronically in a computer, server or other related device, including discs, CDs, DVDs or other means of electronic storage

B) "You" or "your" means the organization and/or individual to whom this Subpoena is addressed and includes any merged or acquired predecessors, successors, divisions, parents, subsidiaries, affiliates, and any other organization in which you have a management or controlling interest. The term "you" or "your" also includes present and former directors, officers, employees, independent contractors and agents of the organization to whom this Subpoena is addressed.

WHEREFORE YOU ARE HEREBY COMMANDED TO PRODUCE:

1. Copies of all documents, including any employee manuals/handbooks, detailing US Airways Inc.'s procedures, practices and/or policies for travel or passage for persons with disabilities, including all procedures, practices and/or policies relating in any to denying travel or passage by persons with disabilities.
2. Copies of all documents, papers or things, including any manuals or handbooks, concerning training

provided to US Airways, Inc. employees for handling passengers with disabilities.

3. Copies of all documents, papers or things concerning US Airways, Inc.'s policies, practices and/or procedures for handling and/or responding to requests for accommodations by passengers with disabilities.
4. Copies of all documents, papers or things containing any policies, practices and/or procedures relied upon by US Airways, Inc. in making the decision to deny passage to Mr. Phil Barrett on or around February 12, 2005.
5. Copies of all documents, papers or things detailing any special procedures, rules or regulations persons with disabilities are requested to follow prior to travel.
6. Copies of all documents, papers or things detailing any special procedures, rules or regulations persons with disabilities are requested to follow during travel.
7. Copies of any and all Complaints by passengers with disabilities from January 2003 to the present and documents reflecting the resolution or current status of same.
8. Copies of all documents, papers or things relating in any way to policies, procedures and/or practices for passengers traveling with ventilators or similar devices.
9. Copies of all documents reflecting the names, business addresses, telephone numbers and qualifications of all medical personnel US Airways, Inc. consulted with in making the decision to deny passage to Mr. Phil Barrett on or around February 12, 2005.
10. Copies of all documents, papers or things indicating or relating to the time at which Mr. Barrett checked in on or around February 12, 2005, the name of the employee or employees that checked in Mr. Barrett, any designation, sticker, medallion or any other manner of demarcation that was recorded by US Airways, Inc. and/or given to Mr. Barrett to designate him as a special needs traveler or non-standard traveler.
11. Copies of all documents, papers or things indicating or relating to the method of Mr. Barrett's check in on or around February 12, 2005, the time that Mr. Barrett boarded the plane, and his seat assignment.
12. Copies of all documents, papers or things indicating or relating to the names of any and all US Airways employees or agents who were working at the departure gate of the flight Mr. Barrett was ticketed on including but not limited to the those employees or agents working at the check-in station at the gate, maintenance or service employees or agents who were on board the plane prior to its departure, as well as names of any and all members of the flight crew on duty on the flight including but not limited to the captain, first officer, and the flight attendants.
13. Copies of all documents, papers or things indicating or relating to the names and contact

information of any and all passengers who were on board the plane from which Mr. Barrett was removed, as well as their seat assignments.

14. Copies of all documents, papers or things indicating or relating to any investigation that US Airways its agents or employees have conducted to evaluate the circumstances surrounding the removal of Mr. Barrett from the plane.
15. Copies of all correspondence, memorandum, notes, including but not limited to electronic mail or messages, relating to or concerning the removal of Mr. Barrett from the plane, and the investigation thereof by US Airways, Inc. its employees or agents.

WITNESS, the Department of Legal Affairs, at Ft. Lauderdale, Florida, this 18th day of February 2005.

CHARLES J. CRIST
ATTORNEY GENERAL

By _____
Allison K. Bethel
Assistant Attorney General
Department of Legal Affairs
Office of the Attorney General
Civil Rights Division
110 SE 6th Street, 10th Floor
Ft. Lauderdale, Florida 33301
(954) 712-4600

LEGAL AUTHORITY

F.S. 1998 DISCRIMINATION IN THE TREATMENT OF PERSONS; MINORITY REPRESENTATION - Ch. 760

16.57 Office of Civil Rights - There is created in the Department of Legal Affairs an Office of Civil Rights. The office may investigate and initiate actions authorized by §760.51. In investigating violations of constitutional rights under §760.51, the Attorney General may administer oaths and affirmations, subpoena witnesses or matter, and collect evidence.

760.51 Violations of constitutional rights, civil action by the Attorney General; civil penalty.

(1) Whenever any person, whether or not acting under color of law, interferes by threats, intimidation, or coercion, with the exercise or enjoyment by any other person of rights secured by the State Constitution or laws of this state, the Attorney General may bring a civil or administrative action for damages, and for injunctive or other appropriate relief for violations of the rights secured. Any damages recovered under this section shall accrue to the injured person. The civil action shall be brought in the name of the state and may be brought on behalf of the injured person. The Attorney General is entitled to an award of reasonable attorney's fees and costs if the Department of Legal Affairs prevails in an action brought under this section.

(2) Any person who interferes by threats, intimidation, or coercion, or attempts to interfere by threats, intimidation or coercion, with the exercise or enjoyment by any other person of rights secured by the State Constitution or laws of this state is liable for a civil penalty of not more than \$10,000 for each violation. This penalty may be recovered in any action brought under this section by the Attorney General. A civil penalty so collected shall accrue to the state and shall be deposited as received into the General Revenue Fund unallocated.