

E C H E R U O
C O U N S E L A T T O R N E Y S A T L A W L L P

February 4, 2004

Mr. Samuel Podberesky, Esq.
Assistant General Counsel For Aviation Enforcement And Proceedings
U.S. Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

In Re: Proceeding against World Airways, Inc. and Ritetime Aviation and Travel Services, Inc.

Dear Mr. Podberesky:

We write to formally ask you to investigate and take appropriate action to remedy violations of Federal law and the Department of Transportation's ("DOT") regulations by World Airways, Inc. and Ritetime Aviation and Travel Services, Inc. with respect to flight operations to Nigeria.

World Airways, a U.S charter carrier, operated flights to Nigeria under a public charter program. These programs are regulated by the DOT under 14 C.F.R 212 and 14 C.F.R 380. World Airways abruptly discontinued flight operations in December 2003, leaving numerous passengers stranded on both sides of the Atlantic. World Airways states it ceased operations due to a contractual dispute on payments with Ritetime Aviation.

World Airways and Ritetime Aviation appear to have engaged in repeated violations of DOT regulations, specifically imposed to protect the traveling public from the activities of dishonest and unscrupulous persons, and concealed this conduct from the DOT. Specifically, the DOT's regulations a.) require that charter airlines honor the international round trip tickets of passenger they transport to destinations outside the United States; b.) mandate an escrow system for protection of passenger ticket payments; c.) prohibit cancellation of flights within clearly specified time frames; d.) impose an affirmative duty on carriers to perform due diligence on the charter operators with whom they contract; and e.) impose an affirmative duty on carriers to ensure that a tour operator's conduct and flight operations are operated in accordance with the DOT's regulations.

In addition to these violations, World Airways has repeatedly engaged in a practice of misinforming passengers booked on the Nigerian flights of their legal rights in an apparent attempt to deceive these passengers and deter them from pursuing these rights. For instance, World Airways operated a single evacuation flight from Nigeria after it

stopped flight operations in late December 2003, which it characterized, untruthfully, to passengers as a “charity flight”. World Airways’ statements on its responsibilities to passengers and the manner in which World Airways and Ritetime Aviation promoted the Nigerian flight program were misleading and deceptive in violation of 49 U.S.C 41712, 14 C.F.R 399, and 14 C.F.R 380.27, which prohibit unfair and deceptive practices or unfair methods of competition in the airline industry.

(I would note that World Airways’ activities may be in violation of State Department regulations which prohibit any person from bringing certain persons to the United States without a fully paid return ticket. Many Nigerians brought to the United States by World Airways are in danger of overstaying their visas.)

The result of World Airways and Ritetime Aviation conduct has simply been tragic for many of their passengers. Passengers abandoned on both sides of the Atlantic have had to dig deep into personal resources and borrow to arrange for their return to their departure point. Many, even at this point, weeks after the cessation of flight operations, find themselves stranded in foreign locations without adequate resources to return home. Despite all this, World Airways has maintained an arrogant and studied silence.

My frank and helpful conversation and correspondence with your staff indicates that your office and the DOT take this matter seriously and have embarked on an informal inquiry. I would urge your office to consider formal enforcement action against World Airways due to the desperate circumstance of the passengers involved, the egregiousness of World Airways and Ritetime Aviation’s conduct and the absence of any remedial measures by World Airways or Ritetime Aviation.

As you may know, my firm, in association with the law firm of Madu, Edozie & Madu P.C, has filed a class action lawsuit on behalf of World Airways passengers in the Federal District Court for the Eastern District of New York. I have attached a copy of the complaint to this correspondence.

I look forward to your response.

Sincerely Yours,

Ike O. Echeruo, Esq.

cc: (Via FEDEX, without enclosure)
Cindy Swinson – General Counsel & Secretary, World Airways, Inc.