

NOTE: These are the factual basis questions from the guilty plea by David Samson. This is not an official court document, but these are the questions that were asked and answered affirmatively in open court, and can be attributed as such:

FACTUAL BASIS FOR THE PLEA

To establish a factual basis for defendant Samson's guilty plea to the Information, the Government respectfully suggests that the Court ask defendant Samson the following questions:

- (1) From in or about February 2011 to in or about March 2014, were you the Chairman of the Board of Commissioners of the Port Authority of New York and New Jersey, which I will call the "Port Authority"?
- (2) As Chairman, did you have authority over the Port Authority Board's agenda?
- (3) During your time as Chairman, did the Port Authority operate Newark Liberty International Airport, which I will refer to as "Newark Airport," located in Newark, New Jersey?
- (4) During that time, was United Airlines-previously known as Continental Airlines-the largest carrier operating at Newark Airport?
- (5) Were you aware that Continental Airlines previously operated a nonstop route between Newark Airport and Columbia Metropolitan Airport in South Carolina before cancelling it in or about 2009?
- (6) In your official capacity at the Port Authority, did you interact with an individual who was a paid consultant for United, whom I will call the "Consultant"?
- (7) On September 13, 2011, did you attend a dinner in New York City with senior employees of United, as well as the Consultant and a Port Authority employee?
- (8) At that dinner, did you state that United used to have a nonstop route between Newark Airport and Columbia Metropolitan Airport, which I will refer to as the "Newark/Columbia Route"?
- (9) Did you state that the Newark/Columbia Route made your travel from New Jersey to your home in Aiken, South Carolina more convenient?
- (10) Did a United employee at the dinner respond that United would look into the Newark/Columbia Route?
- (11) Was the Consultant aware that you thought that the Newark/Columbia Route would make your travel from New Jersey to Aiken more convenient?
- (12) On October 18, 2011, did the Consultant send an email in which he told you that it was not looking good for United to reinstate the Newark/Columbia Route?
- (13) On November 14, 2011, did you send an email to the Consultant in which you stated that you had learned that United was not interested in reinstating the Newark/Columbia Route?
- (14) Did you communicate with the Consultant about using your authority over the Port Authority Board's agenda to pressure United into reinstating the Newark/Columbia

Route?

(15) Specifically, were you aware that an agreement between United and the Port Authority relating to the construction of a wide-body hangar at Newark Airport was to be presented to the Port Authority Board for its consideration?

(16) In or about November 2011, were you aware that the Hangar Agreement had been reviewed and vetted by employees of the Port Authority who had concluded that it should be approved?

(17) Did you communicate with the Consultant about removing the Hangar Agreement from the Port Authority Board's agenda for its November 15, 2011 meeting to pressure United to reinstate the Newark/Columbia Route?

(18) Prior to the Port Authority Board's November 15, 2011 Board meeting, did you cause the Hangar Agreement to be removed from the November 15, 2011 Port Authority Board's agenda to pressure United to reinstate the Newark/Columbia Route?

(19) In or about December 2011, did you exchange emails with the Consultant in which you again discussed using your authority over the Port Authority Board's agenda to pressure United to reinstate the Newark/Columbia Route?

(20) Specifically, on December 7, 2011, did you send the Consultant an email in which you stated that you had instructed an individual to remove the Hangar Agreement from the Port Authority Board's agenda?

(21) Also on December 7, 2011, did the Consultant send you an email in which he told you that he thought it was a good idea for you to put the Hangar Agreement back on the Port Authority Board's agenda?

(22) Did you understand from the Consultant that it would be helpful to the Consultant in his discussions with United regarding the reinstatement of the Newark/Columbia Route to include the Hangar Agreement on the agenda?

(23) As a result, did the Hangar Agreement remain on the Port Authority Board's agenda for its December 8, 2011 meeting?

(24) Did the Port Authority Committee on Operations and the Port Authority Board unanimously approve the Hangar Agreement at the December 8, 2011 Board meeting?

(25) Subsequently, did you learn from the Consultant that United had agreed to reinstate the Newark/Columbia Route?

(26) Sometime thereafter, did you learn from the Consultant that United had agreed to fly the Newark/Columbia Route on Thursday evenings and Monday mornings to accommodate your travel schedule between Newark and Columbia?

(27) Once the Newark/Columbia Route was reinstated, did you use it on approximately 27 occasions between October 2012 and January 2014?

(28) Did you and others refer to the reinstated Newark/Columbia Route as the "Chairman's Flight"?

- (29) Did you use your official authority as Port Authority Chairman to obtain something of value from United, that is, the reinstatement of the Newark/Columbia Route?
- (30) Did you take all of these actions knowingly and voluntarily?
- (31) Are you guilty of the offense charged in the Information?