

Information for Consumers Regarding the Cessation of Service by Kiwi International Airlines

Kiwi International Airlines filed for bankruptcy protection on March 23, 1999 and ceased flight operations on March 24, 1999 following revocation of its FAA authority. Set forth below are certain alternatives available to Kiwi customers holding tickets or having claims against the carrier.

1. Transportation options

If you purchased your Kiwi ticket from Kiwi or from a travel agency where Kiwi was the "issuing carrier," you should attempt to make arrangements on other airlines if you still wish to travel. However, consumers should realize that other airlines are not obligated to honor Kiwi tickets. Under certain circumstances, some carriers may waive fare restrictions to allow you to purchase a lower priced replacement ticket than would otherwise be available. Since the level of assistance may vary among airlines, you should contact your travel agent or the airlines for specifics.

2. Refunds

Kiwi is making no ticket refunds, even if a refund had been requested prior to the cessation of operations. The carrier is currently under the protection of the bankruptcy court. Additionally, there are no federal regulations that require refunds for tickets purchased on alternate carriers or for out-of-pocket expenses incurred as a result of delayed or canceled flights of a bankrupt carrier.

If you charged your Kiwi transportation with a credit card (whether or not you received the ticket) and you have difficulty using the transportation options described above, you may be able to have the cost of the ticket credited to your credit card account as described below.

Write to the credit card issuer, being sure to state your account number. Enclose a photocopy of the ticket, if possible, or indicate the price of the ticket and the date it was purchased. If the ticket was partially used, identify the used and unused segments. State that Kiwi is in bankruptcy and has ceased operations, that you will not receive the services that you charged to your account, and that you are requesting a credit pursuant to the Fair Credit Billing Act.

This notice must be received by the credit card issuer no later than 60 days after the date that you received the first **monthly statement** that listed the charge for the Kiwi ticket, although credit card companies sometimes waive this deadline for future transportation. Some credit card issuers may ask for the original unused tickets. If these are requested, keep photocopies and send the originals certified mail. Do not send the originals unless they are requested.

If you cannot take advantage of any of the transportation or refund options described above, you can file a claim in the bankruptcy proceeding. Get a bankruptcy "Proof of Claim" form from any U.S. Courthouse. Fill it out, keep a photocopy if possible, and send the original to:

U.S. Bankruptcy Court
District of New Jersey
King Federal Building
50 Walnut Street
Newark, NJ 07102

Make reference to Case #99-33215 RG. If possible, send a photocopy of your ticket or receipt. Do not send the original, unless it is requested. Such a filing does not guarantee a refund. If a refund is made, it may not be for the full amount of the claim. The process will probably take several months at a minimum.

3. Baggage

As with refunds, Kiwi is making no payments at this time for baggage or cargo claims (e.g., loss/damage/pilferage), even if the claim was filed before Kiwi's bankruptcy. You should send a copy of such claims with a completed "Proof of Claim" form to the bankruptcy court.

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