

EXHIBIT A

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VIA ELECTRONIC CASE FILING, ELECTRONIC MAIL AND HAND DELIVERY

Honorable Ellen S. Huvelle
United States District Judge
United States District Court for the District of Columbia
333 Constitution Avenue N.W.
Washington D.C. 20001

Honorable Richard A. Levie
Special Master
555 13th Street, N.W.
Washington, DC 20004

Re: United States, et al., v. AT&T Inc., et al. (No. 1:11-cv-01560-ESH)

Dear Judges Huvelle and Levie:

We represent non-party Google Inc. (“Google”) in connection with its motion for additional relief under the Protective Order in the above-captioned matter, filed with the Court on September 26, 2011 (Dkt. No. 34-2). We write to seek clarification on the briefing procedures applicable to Google’s motion. In particular, we seek confirmation that Google’s reply brief in support of its motion is subject to the deadline and page limit for reply briefs set forth in the Court’s Local Rules, and not to the deadlines and word limits set forth in the Court’s Order appointing a Special Master dated October 7, 2011 (Dkt. No. 46) (the “Special Master Order”).

Google filed its motion with the Court ten (10) days before the parties moved for the appointment of Judge Levie as Special Master, and eleven (11) days before the Court granted that motion. Plaintiffs and Defendants filed their oppositions to Google’s motion yesterday — which was the deadline under the Court’s Local Rules — and sent copies of their opposition papers to Judge Levie for resolution of the motion. Google intends to file a reply to the parties’ oppositions.

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If Google's motion will be resolved by Judge Levie, we respectfully submit that Google should not be subjected to the deadline or word limit applicable to reply briefs filed with the Special Master, which are, respectively, twenty-four (24) hours after receipt of opposition papers and 250 words per issue. There are at least three reasons why we believe it would be inappropriate to hold Google to that deadline and word limit.

First, Google's motion was not submitted for resolution by the Special Master because it was filed long before the parties moved for appointment of a Special Master.

Second, Plaintiffs and Defendants did not file their opposition papers within the deadline set forth in the Special Master Order (48 hours), but filed those papers on the day they were due under the Court's Local Rule 7(b). Similarly, Plaintiffs and Defendants also did not follow the word limit set forth in the Special Master Order (750 words per issue). Indeed, in their letter to Judge Levie, Defendants' counsel specifically point out that their opposition brief is not limited to 750 words because Google's motion was filed before the Court appointed Judge Levie as a Special Master.

Third, Defendants' opposition brief alone exceeds 3,000 words and contains many case law citations. Twenty-four (24) hours would therefore not be adequate time to reply to the parties' opposition briefs.

Accordingly, we respectfully request that the Court confirm that Google's reply brief is subject to the deadline (seven days after service) and page limit (25 pages) set forth in the Court's Local Rules 7(d) & (e), which would make Google's reply brief due on Tuesday, October 18, 2011.

We have discussed this matter with counsel for Plaintiffs and counsel for Defendants. Counsel for Plaintiffs have indicated that they do not object to Google filing its reply brief on October 18, 2011, nor to Google filing a reply brief that exceeds the word limits set forth in the Special Master Order. Counsel for Defendants indicated that they believe Google's motion is subject to resolution by the Special Master but that they do not object to Google filing its reply brief on October 14, 2011, nor to Google filing a reply brief that exceeds the word limit set forth in the Special Master Order.

Sincerely,



John D. Harkrider