

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

AT&T INC., et al.,

Defendants.

Case No. 1:11-cv-01560 (ESH)

**Discovery Matter: Referred to
Special Master Levie**

REPLY IN SUPPORT OF MOTION TO COMPEL RESPONSES TO SUBPOENA

There is no dispute that AT&T's subpoena is valid and seeks relevant information. Sprint nonetheless remains steadfast in its position that it is not required to respond in light of the production it has made to DOJ, which AT&T now has. While Sprint argues generally that AT&T's subpoena is "sweeping," it has not made any showing of undue burden or any particularized burden arguments at all.

Sprint's generalized objection is not sufficient to satisfy its burden. Sprint has not represented that its production to DOJ fully satisfies AT&T's subpoena. Indeed, Sprint's CID production appears to have been limited to specific custodians and topics helpful to DOJ's case, consists in large part of data files, and does not contain entire categories of documents that are responsive to AT&T's subpoena requests. AT&T remains willing to meeting and confer regarding its requests. But AT&T cannot be required to content itself with the production made to DOJ or to guess what additional documents Sprint might possess that are relevant to AT&T's own case.

Sprint is uniquely positioned to know both the parameters of its search for documents to respond to DOJ's requests, and more important what additional documents it may have that are responsive to AT&T's subpoena.

AT&T remains willing to engage in good faith negotiations to address any particularized

burden arguments Sprint might have. But Sprint's refusal to begin collecting and producing documents should no longer be tolerated given the condensed schedule of this case. AT&T respectfully requests that its motion be granted.

Dated: October 25, 2011

Respectfully submitted,

/s/ Steven F. Benz

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CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2011, I caused the foregoing Reply in Support of Motion To Compel Responses to Subpoena to be filed using the Court's CM/ECF system, which will send e-mail notification of such filings to counsel of record. This document is available for viewing and downloading on the CM/ECF system. A copy of the foregoing also shall be served via electronic mail on:

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