

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

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)	
UNITED STATES OF AMERICA, et al.,)	
)	
<i>Plaintiffs,</i>)	Case No. 1:11-cv-01560-ESH
)	
v.)	Discovery Matter: Referred to
)	Special Master Levie
AT&T INC., et al.,)	
)	
<i>Defendants.</i>)	
)	
)	

REPLY IN SUPPORT OF SPRINT’S MOTION TO QUASH

The Special Master should grant Sprint’s motion to quash the subpoena as unduly burdensome and duplicative, or should defer a decision in light of AT&T’s failure to assess Sprint’s existing production and modify its subpoena accordingly. AT&T has not complied with the Special Master’s order to evaluate what “remain[s] unaddressed by the Sprint production” and to formally modify its subpoena. Special Master Order No. 1 at 6. Instead, AT&T filed a list of its “current positions” regarding the *original* subpoena as an attachment to its Opposition to Sprint’s Motion to Quash. These “current positions,” together with other misstatements, demonstrate AT&T has *not* reviewed the Sprint documents it possesses. Declaration of Tara S. Emory, ¶¶ 7-11, 15-21. In particular, AT&T requests that additional Sprint custodians produce more documents related to Sprint’s Boost and Virgin business segments, research and development efforts, and its enterprise business. However, the DOJ production contains *thousands* of documents on these subjects. *Id.* ¶¶ 7-9. Moreover, AT&T erroneously based its assessment of Sprint’s production on isolated correspondence between the DOJ and Sprint that does not accurately define the scope of the production. *Id.* ¶¶ 3-5, 13-21.

AT&T's requests remain unduly burdensome. They seek extensive "refreshes" of broad categories of information, and – surprisingly, in light of the Special Master's order – they seek productions from additional custodians, thus expanding the scope of the requests. Compliance would require extensive attorney hours and Sprint man-hours. *Id.* ¶¶ 30-32. Finally, AT&T does not rebut Sprint's assertions that the requests pose unusually burdensome privilege issues.

Unsurprisingly, AT&T *again* argues that Sprint's burden is the same as all the other subpoena recipients', but, *again*, fails to share examples in support.

Dated: November 3, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on November 3, 2011, I caused the foregoing Reply in Support of Sprint's Motion to Quash to be filed using the Court's CM/ECF system. I also caused the foregoing document to be mailed via electronic mail to:

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