

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

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

SPRINT’S RESPONSE TO AT&T’S SUR-REPLY REGARDING MOTION TO QUASH

Sprint submits this response to AT&T’s sur-reply pursuant to the Special Master’s request dated November 3, 2011. Section 1 responds to the Special Master’s questions 1 and 3; Section 2 responds to the Special Master’s question 2.

1. AT&T’s Requests Remain Unduly Burdensome.

AT&T’s claim that it has tailored its requests to seek “only those categories of documents” that Sprint has not produced is wrong. It is difficult to understand what sort of review of Sprint’s production AT&T performed, because AT&T’s “current positions” seek categories of materials that are well within the scope of the production to the U.S. Department of Justice (“DOJ”). For example, AT&T seeks supplemental documents from “key custodians” of Sprint’s “Business and Government group.” Declaration of Steven F. Benz ¶ 2. AT&T ignores the fact that two of Sprint’s document custodians are executives in Sprint’s Business Markets Group, which includes corporate and government accounts. AT&T has not attempted to explain what it needs on this topic that it does not already have. AT&T simply claims it needs more. Moreover, AT&T’s “current positions” seek documents from additional new custodians responsive to several other requests that are widely covered by the DOJ production. *See* Declaration of Tara L. Reinhart (“Reinhart Decl.”) ¶ 4-18.

AT&T's insistence on a "refresh" of the DOJ production – across 28 diverse, broad topics and 15 custodians – is also unduly burdensome, especially given the fact that AT&T has made no attempt to tailor any of the excessively broad topics to specific needs or to lower the number of custodians to make a "refresh" less burdensome. If a "refresh" is so "critical" to its defense, surely AT&T can articulate more specifically what it needs. Sprint stands on its assertions of burden for a "refresh," as well as burdens associated with additional data collections, included in its Motion to Quash, Declaration of Tara L. Reinhart, and Reply to Motion to Quash, Declaration of Tara S. Emory.

2. **Sprint's DOJ Production Sufficiently Addresses AT&T's Requests for Documents Regarding Boost Mobile and Virgin Mobile.**

AT&T's request for documents from the files of Andre Smith and David Trimble disregards the fact that Sprint produced files from Sprint's Senior Vice President of Consumer Marketing, to whom both Mr. Smith and Mr. Trimble report *directly*. Those files contain key strategic and business planning documents from Mr. Smith's and Mr. Trimble's respective units, as evidenced by the exemplar documents attached to the accompanying declaration. Declaration of Tara L. Reinhart ¶ 4, Exhibits 1 and 2. Sprint's existing production also contains the files of the executives responsible for Corporate Strategy and Business Planning, all of which include the types of documents AT&T seeks. Further, a simple search of Sprint's DOJ production reveals more than 2,000 emails sent by or sent to Mr. Smith or Mr. Trimble. *Id.* ¶ 6.

Dated: November 5, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on November 5, 2011, I caused the foregoing Sprint's Response to AT&T's Sur-Reply Regarding 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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