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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF TEXAS  
 FORT WORTH DIVISION

FILED  
 U.S. DISTRICT COURT  
 NORTHERN DIST. OF TX.  
 FT. WORTH DIVISION

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CLERK OF COURT

AMERICAN AIRLINES, INC.,

Plaintiff,

-v.-

YAHOO! INC., and OVERTURE SERVICES, INC.  
 d/b/a YAHOO! SEARCH MARKETING,

Defendants.

No. 4-08-CV-626-A

**PLAINTIFF AMERICAN AIRLINES, INC.'S MOTION FOR SANCTIONS  
 FOR VIOLATION OF COURT ORDER, IMPROPER CERTIFICATION  
 OF DISCOVERY RESPONSES AND DESTRUCTION OF EVIDENCE**

Plaintiff, American Airlines, Inc. ("American") moves for sanctions pursuant to Rule 37.

American respectfully shows the Court as follows:

**I.  
SUMMARY**

Defendants, Yahoo! Inc., and Overture Services, Inc. (collectively "Yahoo") have engaged in a pattern of discovery abuses, in addition to the conduct identified by American in its first motion for sanctions. Yahoo's conduct has violated both the Court's orders and the Federal Rules. Yahoo's conduct includes: 1) the untimely production of one million pages of documents responsive to the Court's order requiring production by August 28; 2) the failure to disclose key employees in discovery responses and timely collect their custodial documents; and 3) the failure to produce relevant documents that Yahoo's witnesses have testified Yahoo once had or still have in its possession. American more specifically identifies in its brief Yahoo's ongoing discovery violations.

**II.**  
**LEGAL AND FACTUAL GROUNDS**  
**ON WHICH AMERICAN RELIES**

The legal and/or factual grounds on which American relies are set forth in detail in American's brief.

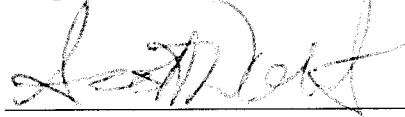
**III.**  
**APPENDIX**

American's motion and brief are accompanied by an appendix containing the evidence upon which American relies. The brief contains cites to the appendix for each assertion made by American concerning the summary judgment evidence. American has filed with this motion the appendix containing some of the documents American cites in its brief. Concurrently, Yahoo has filed a motion to seal and tendered American's Sealed Appendix in Support of American's Motion for Sanctions For Violation of Court Order, Improper Certification of Discovery Responses and Destruction of Evidence, which contains the remaining documents American cites in its brief.

**IV.**  
**PRAYER**

American respectfully requests that the Court grant its motion for sanctions and strike Yahoo's Answer to American's First Amended Complaint and order the parties to proceed to trial on the question of damages.

Respectfully submitted,



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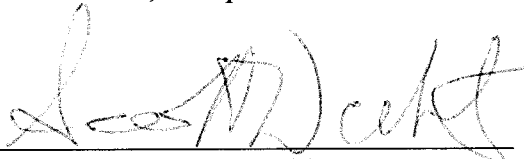
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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF CONFERENCE**

I certify that counsel for American conferred with counsel for Defendants, but agreement as to the relief requested in this motion was not reached. Therefore, it is presented to the Court for determination.

  
\_\_\_\_\_  
Scott R. Wiehle

**CERTIFICATE OF SERVICE**

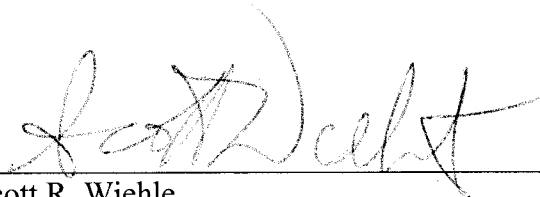
I certify that a true and correct copy of the foregoing was served on Defendants' counsel on the 24th day of November, 2009:

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