

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

AMERICAN AIRLINES, INC.	§	
	§	
vs.	§	CIVIL ACTION NO. 4:11-CV-244-Y
	§	
TRAVELPORT LIMITED, et al.	§	

**AMERICAN AIRLINES, INC.’S REPLY BRIEF IN SUPPORT OF ITS MOTION TO  
FILE A SUPPLEMENTAL BRIEF IN SUPPORT OF ITS  
MOTION TO EXTEND SCHEDULING ORDER DEADLINES**

American Airlines, Inc. (“American”) submits this reply in support of its Motion to File a Supplemental Brief in Support of its Motion to Extend Scheduling Order Deadlines (“Motion to Extend”).

On February 2, 2012, American sought permission to file a supplemental brief that was slightly longer than one page, the purpose of which was merely to inform the Court that Travelport had just subpoenaed forty third parties and served American with significant new document requests. The information in American’s supplemental brief was clearly relevant to this Court’s determination of whether to extend the current discovery deadlines. In response, Travelport has filed a brief that goes well beyond responding to American’s brief submission and, consistent with Travelport’s standard practice in this case, is replete with vituperative accusations. Because Travelport’s brief contains significant inaccuracies, American is constrained to respond briefly. We regret the extensive briefing with respect to this matter, which should have been easily resolved by agreement among the parties without the need to involve the Court.<sup>1</sup>

---

<sup>1</sup> Travelport’s vehement opposition to the request for a five-month extension, which American believes is plainly appropriate given the preliminary stage of discovery and the pleadings, is consistent with the overly-litigious approach that Travelport has taken throughout this case, including by repeatedly refusing to requests for normal

First, Travelport claims that it has not significantly expanded the scope of discovery by serving new document requests on forty non-parties. In fact, fifteen of the subpoenas were served on non-parties that had not been subpoenaed in this litigation by American. American sought discovery from most of the others more than six months ago, and they have already produced documents. With these recently-issued subpoenas, Travelport seeks a significant amount of new documents from these same non-parties, having served between nine and thirty-one individual document requests depending on the non-party. These subpoenas will require the parties to review potentially tens of thousands or more new documents that likely will be produced well after the end of the current document discovery period, which ends on March 1. This fact alone demonstrates that the current discovery deadlines are simply not feasible.

Second, Travelport continues to allege that American is “dragging its feet” during discovery, while ignoring that Travelport’s own document production obligations are far from complete. American has informed Travelport that it is willing to appear for a 30(b)(6) deposition on the date that Travelport chose. American simply requested that the parties first reach an agreement with respect to coordinating the many depositions that need to take place. Travelport has refused. Moreover, Travelport still has not agreed to produce from a significant number of custodians whom American believes have relevant documents. Further, on February 10, 2012, Travelport produced to American more than 70,000 additional pages of documents, and *Travelport still has not committed to an end date for its ongoing document production in response to American’s First, Second, and Third Request for Production.* In addition, Orbitz did

---

accommodations and seeking to foment, rather than consensually resolve, procedural disputes as mandated by *Dondi Properties Corp. v. Commerce Savs. & Loan Ass’n*, 121 F.R.D.284 (N.D. Tex. 1988). For instance, Travelport refused to grant American’s request for a modest extension of time to respond to voluminous requests for admissions served by Travelport, forcing American to file a motion for protection, and Travelport backed out of an agreement to jointly seek a status conference.

not begin producing documents until February 10, 2012, more than seven months after Orbitz was first served with document requests, and only after American filed a motion to compel. Then, Orbitz produced only approximately 4,000 documents. Orbitz recognized that its production was incomplete, but it would not commit to an end date for its initial document production. Moreover, on February 14, 2012, Sabre produced more than 300,000 pages of additional documents. In short, American served both Travelport and Orbitz with document requests on *July 5, 2011* and it is not even clear when they will complete producing documents in response to this request; yet, Travelport claims that American is dragging its feet for commercial advantage. Based on the uncertain state of party document production, the current March 1 deadline is not feasible. As a result, American has requested that the current case deadlines be extended by five months.

Finally, Travelport continues to argue that extending the deadlines provides American with some business advantage. This argument is wrong. American is prosecuting this case to stop the anticompetitive conduct of Travelport and its co-defendants. As the Declaration of Derek Decross makes clear, American has no intention to be “dark” in any of the GDSs, and would suffer catastrophic financial consequences if its flights were not present in Travelport’s GDSs. Even after submitting additional briefing, Travelport puts forward no declaration from any of its employees that Travelport would be harmed by a brief extension of the current deadlines. American seeks a modest extension because the current deadlines are simply unworkable given the current posture of the case.

DATED: February 16, 2012

Respectfully submitted,

s/ Yolanda C. Garcia

---

Yolanda C. Garcia  
State Bar No. 24012457  
yolanda.garcia@weil.com  
Michelle Hartmann  
State Bar No. 24032401  
michelle.hartmann@weil.com  
WEIL, GOTSHAL & MANGES LLP  
200 Crescent Court, Suite 300  
Dallas, Texas 75201-6950  
214.746.7700  
214.746.7777 (fax)

R. Paul Yetter  
State Bar No. 22154200  
pyetter@yettercoleman.com  
Anna Rotman  
State Bar No. 24046761  
arotman@yettercoleman.com  
YETTER COLEMAN LLP  
909 Fannin, Suite 3600  
Houston, Texas 77010  
713.632.8000  
713.632.8002 (fax)

Bill Bogle  
State Bar No. 02561000  
bbogle@hfblaw.com  
Roland K. Johnson  
State Bar No. 00000084  
rolandjohnson@hfblaw.com  
HARRIS, FINLEY & BOGLE, P.C.  
777 Main Street, Suite 3600  
Fort Worth, Texas 76102  
817.870.8700  
817.332.6121 (fax)

ATTORNEYS FOR PLAINTIFF AMERICAN  
AIRLINES, INC.

*Of Counsel to Plaintiff:*

Richard A. Rothman  
Richard.rothman@weil.com  
James W. Quinn  
james.quinn@weil.com  
WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue  
New York, New York 10153  
212.310.8426  
212.310.8285 (fax)

M.J. Moltenbrey  
mmoltenbrey@dl.com  
DEWEY & LEBOEUF LLP  
1101 New York Avenue, N.W.  
Washington, D.C. 20005  
202.346.8738  
202.346.8102 (fax)

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing document via the Court's CM/ECF system pursuant to the Court's Local Rule 5.1(d) this 16th day of February 2012.

s/ Robert S. Velevis  
Robert S. Velevis