

ORIGINAL

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.

§

§

**ORDER REGARDING TRAVELPORT LIMITED'S MOTION TO COMPEL
DISCOVERY [doc. # 229]**

Pending before the Court is defendant Travelport Limited ("Travelport")'s Motion to Compel Discovery and For Sanctions [doc. # 229], filed February 14, 2012. In the motion, Travelport requests that the Court enter an order compelling plaintiff American Airlines ("American") to comply with its discovery obligations and do the following:

- (1) Produce documents responsive to Request Nos. 3 and 4 of Travelport's first set of document requests;
- (2) Produce data and other documents responsive to Request Nos. 1 through 8 of Travelport's second set of document requests;
- (3) Produce documents from certain American's custodians;
- (4) Remedy serious problems in American's document productions that have created confusion and needlessly multiplied Travelport's costs; and
- (5) Provide the information required by Rule 26(a)(5) for documents withheld or redacted on privilege or work product grounds.

(Travelport's Mot. at 1.)

In its response filed on March 13, 2012, American stated that "Travelport's Motion is almost entirely moot" as the "vast majority of disputes reflected in the motion have been resolved or are in the process of being resolved." (American's Resp. at 1-2.) Travelport, in its reply filed on March 23, 2012, claims, however, that American, while having agreed to produce

some responsive documents, has still not produced such documents. (Travelport's Reply at 1.) Travelport claims that it has no assurance that such documents will be produced promptly. As to the document production errors, Travelport argues that "even now AA fails to disclose the extent of the problems, precisely how it proposes to fix them, or when they will be fixed." (*Id.*) Based upon the parties' motion, response, and reply, it is difficult for the Court to determine exactly what issues raised in Travelport's motion have been (or will be) resolved and what issues the Court needs to rule on.¹

Therefore, it is ORDERED that American produce all documents and information that it plans to produce in response to Travelport's motion to compel **no later than 4:30 p.m. on Friday, April 20, 2012**. In this regard, the parties are directed to the per curiam opinion in *Dondi Properties Corp. v. Commerce Savings & Loan Assoc.*, 121 F.R.D. 284 (N.D. Tex. 1988). That opinion sets forth standards of conduct for counsel and pro-se parties to follow throughout litigation. Particularly relevant here are the standards for conduct during discovery. "[Parties] should make reasonable efforts to conduct all discovery by agreement." *Id.* at 293. The Court notes that there are several pending discovery motions in this case that have recently been filed by the various parties. The Court cautions the parties that it does not take discovery disputes lightly, and, if a final resolution by the Court is necessary, sanctions will be imposed upon any party conducting or opposing discovery unreasonably, in bad faith, or otherwise not in compliance with the rules or *Dondi*.

¹The Court acknowledges that, in its reply, Travelport attempts to narrow the issues by stating that "the issues raised in Sections II, III, and V of Travelport's Motion do not presently need to be addressed by the Court." However, as to the other sections of Travelport's Motion, it is unclear exactly what American may ultimately produce in response. The Court does not want to waste judicial resources deciding issues that may be resolved when American produces all the documents that it intends to produce in response to Travelport's motion.

It is further ORDERED that, if the parties are able to completely resolve these discovery disputes, Travelport shall notify the court in writing as soon as possible, but not later than **April 23, 2012**, that the pending motion should be rendered moot.

Further, it is ORDERED that, if the parties are not able to resolve their discovery disputes or are only able to resolve part, but not all of their discovery disputes, Travelport shall file an amended motion as to the remaining disputed matters only no later than **April 26, 2012**. American's response, if any, to an amended motion shall be filed **no later than April 30, 2012**.

SIGNED April 9, 2012.



JEFFREY L. CURETON
UNITED STATES MAGISTRATE JUDGE