

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

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

**AMERICAN AIRLINES, INC.’S, TRAVELPORT LIMITED AND TRAVELPORT,
L.P.’S, AND ORBITZ WORLDWIDE, LLC’S JOINT MOTION TO STAY THE CASE
AND EXTEND CURRENT DEADLINES PENDING MEDIATION
AND REQUEST FOR EXPEDITED TREATMENT¹**

Plaintiff American Airlines, Inc. (“American”) and Defendants Travelport Limited and Travelport, L.P. (collectively, “Travelport”) and Orbitz Worldwide, LLC (“Orbitz,” together with Travelport and American, the “Movants”) hereby file this Joint Motion to Stay the Case and Extend Current Deadlines Pending Mediation (the “Joint Motion”). The Movants have agreed to and respectfully request that the case be stayed and pretrial deadlines be extended so that such parties can focus their efforts on mediation and potential resolution of this case. Given the current discovery schedule, the Movants also respectfully request that the Court set an expedited briefing schedule for the Joint Motion. The current fact discovery cutoff is September 14, 2012, and the Defendants’ expert disclosure deadline on September 26, 2012. If Sabre were permitted twenty-one days to file a response, its response would be due on September 13, 2012, thus requiring the parties to engage in discovery to meet those deadlines even though the Movants believe that their time and resources are better spent in mediation and discussing resolution of this case. American therefore requests that the Court expedite Sabre’s response to this Motion so

¹ Defendants Sabre Inc., Sabre Holdings Corporation, and Sabre Travel International Ltd. d/b/a Sabre Travel Network (collectively, “Sabre”), have indicated that they will oppose this Joint Motion. For the reasons discussed herein, any opposition by Sabre should be overruled.

that its response is due on Monday, August 27, 2012, and the Movants' reply is due on Wednesday, August 29, 2012.

I. ARGUMENT

American, Travelport, and Orbitz jointly seek a stay of the case and all current deadlines so that the parties can concentrate their efforts on mediation and settlement discussions rather than discovery, including a heavy deposition calendar which includes the depositions of the current and former Chief Executive Officers of American (both of whom have already been deposed once in the Tarrant County litigation), the Chief Executive Officer of Travelport, and the Chief Executive Officer of Orbitz.² American and Travelport have already mediated once before mediator Layn R. Phillips and believe that a second mediation could materially advance settlement. However, due to the mediator's busy schedule, the Movants have been unable to schedule a mediation until the Fall. American and Orbitz have been separately pursuing a settlement. The interests of judicial and party economy strongly dictate a brief stay of these proceedings so that American and Travelport can continue mediation and focus efforts on the possibility of settlement. Movants do not want to spend resources and valuable employee time on discovery at a time when those resources could be used to resolve this case. A brief stay and extension of all pending deadlines would give the Movants an opportunity to pursue settlement. American and Travelport further propose to notify the Court upon the completion of the mediation session whether further settlement talks appear to be fruitful, or whether the stay should be ended.

The Movants understand that Sabre opposes this Joint Motion. The undersigned parties respectfully submit that Sabre's opposition lacks merit given, among other things, that Sabre has

² There are approximately 12 depositions already scheduled to occur prior to the fact discovery cutoff, and the parties are in the process of scheduling other depositions. American has noticed certain Sabre witnesses, but Sabre has so far refused to provide dates or agree to appear for those depositions.

expended significantly less resources in this case than have been expended by American, Travelport, and Orbitz. Instead, Sabre has focused most of its litigation efforts in the Tarrant County litigation. By way of example, Sabre has not asked questions during the depositions of American's representatives in this matter when it already deposed those witnesses in Tarrant County and apparently will continue this practice.³ Further, Sabre takes the position that it should not have to present any of its representatives for depositions requested by American in this matter, when those witnesses were previously deposed in Tarrant County.⁴ Thus, denial of this Joint Motion will result in the Movants being forced to continue spending their resources on discovery unnecessarily.

II. CONCLUSION AND REQUESTED RELIEF

The Movants respectfully request that the Court consider this Joint Motion on an expedited basis, stay the case, and extend all existing pretrial deadlines. The Movants have agreed and respectfully request that, if the stay does not result in the resolution of the case, or if this Joint Motion is denied, then the following deadlines shall apply: (1) Defendants' answers to the Second Amended Complaint and any counterclaims (or, in the case of Travelport, any motion for reconsideration of the Court's Order dated August 17, 2012 and/or motion for leave to file additional counterclaims) shall be filed within two weeks after expiration of the stay or the denial of this Joint Motion; (2) responses to all pending written discovery shall be due two weeks after the expiration of the stay or the denial of this Joint Motion; (3) depositions shall be completed

³ (See Dkt. 383 at 3 (“[Sabre] has not asked a single question during the deposition of American witnesses in this case when the witness has been, or will be, deposed in the Tarrant County case as well.”).)

⁴ Sabre argues that a deposition of Sabre's witnesses in this action (to the extent they have been deposed in the parallel state court action) “would subject Sabre and its employees an undue expense and burden.” (See *id.* at 3.) Yet, Sabre refuses to allow a stay of this litigation, which the parties are seeking in order to avoid the potentially unnecessary expense of significant depositions. American strongly disagrees with Sabre's position that it does not need to participate in depositions in this case and has moved to compel Sabre to submit its witnesses to depositions as a party to this case. Travelport and Orbitz take no position on American's Motion to Compel.

within four weeks after the expiration of the stay or the denial of this Joint Motion; (4) all defendants' expert reports shall be served six weeks after the expiration of the stay or the denial of this Joint Motion; (5) all plaintiffs' rebuttal reports shall be served four weeks after service of the defendants' expert reports; and (6) all pretrial and dispositive motions shall be due thirteen weeks after expiration of the stay or the denial of this Joint Motion. The Movants further respectfully request any such additional relief to which they are entitled

Dated August 23, 2012

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

Between August 17-22, 2012, counsel for American spoke and emailed regarding this Motion. Sabre's counsel declined to participate in this Joint Motion and indicated that Sabre will oppose the relief sought herein.

s/ Yolanda Cornejo Garcia

Yolanda Cornejo Garcia

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 23rd day of August, 2012.

s/ Yolanda Cornejo Garcia

Yolanda Cornejo Garcia