

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

AMERICAN AIRLINES, INC.

Plaintiff,

VS.

TRAVELPORT LIMITED, et al.

Defendants.

CIVIL ACTION NO. 4:11-CV-244-Y

(Relates to Motion Referred to Magistrate Judge Cureton)

**SABRE DEFENDANTS' MOTION FOR LEAVE TO FILE SUR-REPLY
IN OPPOSITION TO AMERICAN'S MOTION TO COMPEL
THE SECOND DEPOSITION OF SABRE WITNESSES**

American's Reply in Support of its Motion to Compel [Doc. 397] seeks specific relief not requested in its initial motion—an order compelling Sabre to provide dates for the re-deposition of Sam Gilliland, Sabre's CEO. Accordingly, Sabre respectfully requests the opportunity to file the attached sur-reply addressing this new issue.

“A sur-reply is appropriate by the non-movant only when the movant raises new legal theories or attempts to present new evidence at the reply stage.” *Murray v. TXU Corp.*, 2005 U.S. Dist. LEXIS 10298, *13 (N.D. Tex. 2005); *see also Myers v. Ford Motor Credit Co.*, 2010 U.S. Dist. LEXIS 54517, *9 (N.D. Tex. 2010) (granting leave to file a sur-reply where movant raised new arguments for the first time in reply).

Here, American's reply brief seeks *for the first time* an order compelling a second deposition of Mr. Gilliland. American did not request a second deposition of Mr. Gilliland in its initial motion, never conferred with Sabre concerning this additional relief, and still has not

briefed—for the Court’s benefit, or for Sabre to adequately respond—why a second deposition of this witness is warranted. In short, this issue is not properly before the Court at this time.

Accordingly, Sabre requests leave to file the short sur-reply attached to this motion.

Dated: August 30, 2012

Respectfully submitted,

/s/ Scott A. Fredricks

Ralph H. Duggins
Texas Bar No. 06183700
Scott A. Fredricks
Texas Bar No. 24012657
Philip A. Vickers
Texas Bar No. 24051699
CANTEY HANGER LLP
Cantey Hanger Plaza
600 West 6th Street, Suite 300
Fort Worth, TX 76102-3685
Phone: (817) 877-2800
Fax: (817) 877-2807
sfredricks@canteyhanger.com
pvickers@canteyhanger.com
rduggins@canteyhanger.com

Chris Lind
Illinois Bar No. 6225464
Andrew K. Polovin
Illinois Bar No. 6275707
Andrew MacNally
Illinois Bar No. 6293271
BARTLIT BECK HERMAN PALENCHAR &
SCOTT LLP
Courthouse Place
54 West Hubbard
Chicago, IL 60654
Phone: (312) 494-4400
Fax: (312) 494-4440
chris.lind@bartlit-beck.com
andrew.polovin@bartlit-beck.com

Donald E. Scott
Colorado Bar No. 2129
Illinois Bar No. 2531321

Karma M. Giulianelli
Colorado Bar No. 30919
California Bar No. 184175
Sean C. Grimsley
Colorado Bar No. 36422
California Bar No. 216741
Sundeep K. (Rob) Addy
Colorado Bar No. 38754
BARTLIT BECK HERMAN PALENCHAR &
SCOTT LLP
1899 Wynkoop Street, 8th Floor
Denver, Colorado 80202
Phone: (303) 592-3100
Fax: (303) 592-3140
donald.scott@bartlit-beck.com
karma.giulianelli@bartlit-beck.com
sean.grimsley@bartlit-beck.com
rob.addy@bartlit-beck.com

George S. Cary
D.C. Bar No. 285411
Steven J. Kaiser
D.C. Bar No. 454251
Larry C. Work-Dembowski
D.C. Bar No. 486331
Kenneth Reinker
D.C. Bar. No. 999958
CLEARY GOTTlieb STEEN & HAMILTON LLP
2000 Pennsylvania Avenue, N.W.
Washington, DC 20006
Phone: (202) 974-1500
Fax: (202) 974-1999
gcary@cgsh.com
skaiser@cgsh.com
lwork-dembowski@cgsh.com
kreinker@cgsh.com

*Attorneys for Sabre Inc., Sabre Holdings
Corporation, and Sabre Travel Int'l Ltd.
d/b/a Sabre Travel Network*

CERTIFICATE OF CONFERENCE

I hereby certify that on August 30, 2012, Andrew MacNally (counsel for Sabre) conferred with Rob Velevis and Michelle Hartmann (counsel for American) concerning the relief requested herein. Mr. Velevis stated that American is opposed to this motion. Therefore, this motion is submitted to the Court for determination.

/s/ Scott A. Fredricks

Scott A. Fredricks

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) on August 30, 2012.

/s/ Scott A. Fredricks

Scott A. Fredricks