

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' SUR-REPLY TO AMERICAN'S MOTION TO  
COMPEL THE SECOND DEPOSITION OF SABRE WITNESSES**

American's Reply [Doc. 397] seeks, for the first time, 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.<sup>1</sup> American's request is not properly before the Court at this time. Prior to filing the instant motion to compel, American never noticed or even requested the deposition of Mr. Gilliland. In fact, American refused to identify Mr. Gilliland or any other Sabre witnesses when Sabre attempted to confer with American regarding its attempts to re-depose Chris Wilding. See AA Appx. at 4 [Doc. 378].

American's underlying motion does not relate to Mr. Gilliland. Rather, American moved to compel the re-deposition of Chris Wilding. It was not until its reply brief that American attempted to sneak in its request to re-depose Mr. Gilliland. American has not adequately briefed or explained its basis for seeking a second, entirely duplicative deposition of Sabre's CEO.

---

<sup>1</sup> Mr. Gilliland was first deposed by American's lead counsel, Mr. Paul Yetter, for 5 ½ hours on April 19, 2012 in the Tarrant County Case.

Further, American noticed the deposition of Mr. Gilliland after filing its initial motion and without even attempting to confer with Sabre—in contravention of this Court’s standards in *Dondi*.<sup>2</sup> Before presenting this issue to the Court, American should first be required to confer with Sabre and provide justification for burdening Sabre and its CEO with yet another deposition concerning facts and issues already covered in Mr. Gilliland’s first deposition.

American cannot establish good cause for subjecting Sabre and Mr. Wilding (or Mr. Gilliland) to a second lengthy and cumulative deposition. Accordingly, Sabre requests that American’s motion be denied and that the Court issue an order (1) protecting Mr. Wilding from a second deposition, and (2) protecting other Sabre employees (including Mr. Gilliland) from second depositions in this action absent leave of Court and a showing of good cause.

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 6<sup>th</sup> 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

---

<sup>2</sup> “When scheduling ... depositions, lawyers should communicate with the opposing counsel in an attempt to schedule them at a mutually agreeable time.” *Dondi Props. Corp. v. Commerce Savings and Loan Asssoc.*, 121 F.R.D. 284, 293, 1988 U.S. Dist. LEXIS 6991 (N.D. Tex. 1988).

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, 8<sup>th</sup> 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 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