

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

AMERICAN AIRLINES, INC.	§	CIVIL ACTION NO. 4:11-CV-244-Y
	§	
vs.	§	(Relates to Motion Referred to Magistrate
	§	Judge Cureton)
TRAVELPORT LIMITED, et al.	§	
	§	

**APPENDIX IN SUPPORT OF AMERICAN'S BRIEF IN OPPOSITION
TO SABRE'S MOTION FOR LEAVE TO FILE SUR-REPLY TO AMERICAN'S
MOTION TO COMPEL THE DEPOSITIONS OF DEFENDANT SABRE'S WITNESSES**

Plaintiff American Airlines, Inc., respectfully files this Appendix in Support of its Brief in Opposition to Sabre's Motion For Leave to File Sur-Reply to American's Motion to Compel the Depositions of Defendant Sabre's Witnesses.

Ex.	App. Pages	Description
A	1-2	Email from Andrew MacNally to M. Hartmann, dated July 6, 2012
B	3-4	Email from Michelle Hartmann to Andrew MacNally, dated June 29, 2012
C	5-7	Plaintiff's Notice of Intent to Take the Videotaped Deposition of Sam Gilliland, dated August 14, 2012

DATED: September 4, 2012

Respectfully submitted,

/s/ Michelle Hartmann

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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 4th day of September, 2012.

/s/ Michelle Hartmann

Michelle Hartmann

EXHIBIT A

From: Andrew MacNally [mailto:andrew.macnally@bartlit-beck.com]
Sent: Friday, July 06, 2012 7:06 AM
To: Hartmann, Michelle
Subject: RE: Depositions for the Federal Case

Michelle,

Sabre's request to know the number and identity of the witnesses American wants to re-depose is not unfair. Sabre is requesting that information so that it can fully understand the nature of American's request before responding. It is unfortunate that American will not engage in an open dialogue with Sabre that may help the parties resolve their differences.

Your email misrepresents the history of this issue. Sabre is a defendant in two lawsuits because American elected to sue Sabre in two separate jurisdictions based on identical allegations. Substantively speaking there are no differences between the two suits that merit American taking two separate depositions. Further, Sabre repeatedly informed American that Sabre's witnesses would not sit for multiple depositions. Despite the identical nature of the claims and Sabre's warning, American never bothered to cross-notice the depositions in the federal case. American did not even ask to redepose a specific witness until June 26, 2012, nearly four months and twenty depositions after American began deposing Sabre's witnesses in the state case.

The fact that American's witnesses are sitting for depositions in the federal case does not bear on the question whether Sabre's witnesses ought to do the same. American chose to include two additional defendants in the federal action that are not a part of the state action. Travelport and Orbitz have a right to take discovery regarding the allegations against them. This right includes taking depositions of American's witnesses. If American did not want its witnesses deposed twice it could have either sued the parties in only one court or worked with Travelport and Orbitz to find a mutually acceptable means to coordinate discovery. American did neither.

For its part, Sabre repeatedly offered to coordinate depositions in the two cases and has taken a number of steps to lessen the burden on American's witnesses—*e.g.*, moving depositions to coordinate the two depositions and cutting down on duplicative lines of questioning when feasible. Sabre has also refrained from asking questions in the federal depositions based on its understanding that American and Sabre were taking discovery of each other in the state case.

Finally, you are wrong in suggesting that Sabre has refused to permit American to use the state court depositions in the federal case. Sabre has offered no less than four times to permit American to use depositions taken in the state case for any purpose in the federal case consistent with the Federal Rules of Civil Procedure and the Federal Rules of Evidence. Sabre stands by that offer today.

Although American is not entitled to a second deposition of any Sabre witness, Sabre would like to reach a compromise if possible to avoid burdening the court with this issue. To that end, Sabre will agree to make Chris Wilding available for a three-hour deposition in the federal case in exchange for American agreeing to make Cory Garner available for an additional three hours in the federal case (for a total of 10 hours). Sabre will not, however, agree to make its other witnesses available for American to re-depose them in the federal case.

Please let me know American's position.

Best,

Andrew

EXHIBIT B

From: Hartmann, Michelle
Sent: Friday, June 29, 2012 10:45 AM
To: Andrew MacNally
Subject: RE: Depositions for the Federal Case

Andrew,

We don't have a list of names for you, but we anticipate only taking a handful of depositions. As you know, both sides are limited to 23 depositions. Within our 23, we intend to take Travelport depositions, Orbitz depositions, numerous third-party depositions, and Sabre depositions.

Best regards -- Michelle

The logo for the law firm Weil, Gotshal & Manges LLP, featuring the word "Weil" in a white serif font on a dark rectangular background.

Michelle Hartmann

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From: Andrew MacNally [<mailto:andrew.macnally@bartlit-beck.com>]
Sent: Thursday, June 28, 2012 3:47 PM
To: Hartmann, Michelle
Subject: RE: Depositions for the Federal Case

Michelle,

We are conferring with our client regarding your request for a second deposition of Chris Wilding. In order to consider your request, we also need to know whether American intends to ask for second depositions of any additional Sabre witnesses and, if so, who. Once you provide us with this information, we will be in a position to respond to your request.

Best,

Andrew

From: Hartmann, Michelle [<mailto:michelle.hartmann@weil.com>]
Sent: Tuesday, June 26, 2012 6:32 PM
To: Andrew MacNally
Subject: Depositions for the Federal Case

Andrew,

As you know, American has sat for numerous depositions in the state and federal matters. In contrast and despite repeated requests that Sabre similarly sit for depositions in both the state and federal matters, Sabre has

refused to sit for a single deposition—steadfastly pronouncing that it will not subject its witnesses to more than one deposition. We do not believe that refusal is proper. Sabre is a defendant in two separate actions, and, absent coordination (which American tried time and again to promote with all defendants in the federal action), Sabre cannot dictate who American deposes. Accordingly, we ask that you promptly provide us dates for the deposition of Chris Wilding in the federal matter. If you intend to continue with your unreasonable position of refusing to sit for any deposition in the federal court matter, we ask that you immediately advise us such that we can determine next steps.

Sincerely,
Michelle



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EXHIBIT C

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

AMERICAN AIRLINES, INC.

vs.

TRAVELPORT LIMITED, et al.

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

**PLAINTIFF'S NOTICE OF INTENT TO TAKE THE
VIDEOTAPED DEPOSITION OF SAM GILLILAND**

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Plaintiff American Airlines, Inc. ("American"), by and through its undersigned counsel, intends to take the oral deposition of Sam Gilliland (the "Deponent") on September 14, 2012 beginning at 9:00 a.m. at the offices of Cantey Hanger LLP, 115 Grand Avenue, Suite 222, Southlake, Texas 76092, or at such date and location as is mutually agreed upon, and shall continue from day to day until completed or otherwise adjourned. American will take the oral deposition of the Deponent before a notary public or other officer duly authorized to administer oaths. The deposition will be recorded by stenographic means, as well as recorded by audiotape and/or videotape.

Dated: August 14, 2012

Respectfully submitted,



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CERTIFICATE OF SERVICE

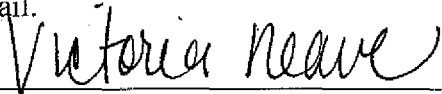
I hereby certify that on August 14, 2012, I caused a true copy of the foregoing to be served by hand delivery upon each of the following:

Defendants Sabre Inc., Sabre Holdings Corporation, and Sabre Travel International Ltd., by and through their attorney of record, Scott A. Fredricks, Cantey Hanger LLP, 600 West 6th Street, Suite 300, Fort Worth, Texas 76102

Defendants Travelport Limited and Travelport, LP, by and through their attorney of record, Walker C. Friedman, Friedman, Suder & Cooke, Tindall Square Warehouse No. 1, 604 East Fourth Street, Suite 200, Fort Worth, Texas 76102

Defendant Orbitz Worldwide, LLC, by and through its attorney of record, John J. Little, Little Pedersen Fankhauser LLP, 901 Main Street, Suite 4110, Dallas, Texas 75202

All other counsel of record were served via email.


Victoria Neave