

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

US AIRWAYS GROUP INC., *et al.*,

Defendants.

Civil Action No. 13-1236 (CKK)

ORDER

(August 29, 2013)

An initial scheduling conference is set in this matter for August 30, 2013. Upon consideration of the Defendants' [11] Motion for Trial Date and related pleadings, as well as the parties' [45] Meet and Confer Statement, it is, this 29th day of August, 2013, hereby

ORDERED that the parties shall be prepared to address the following issues during the initial scheduling conference:¹

Pre-Litigation Investigation

- The scope of documents the Department of Justice obtained from the Defendant Airlines prior to filing suit.
- The scope of documents the Department of Justice obtained from third parties prior to filing suit.
- The identities of individuals the Department of Justice deposed prior to filing suit.

Written Discovery

- The scope of additional written discovery the Plaintiffs intend to seek from the

¹ The Court appreciates that the exact scope of discovery each party may seek and produce depends on multiple variables that may be unknown at this time and no party shall be bound by the answers provided during the hearing. Nevertheless, the greater detail the parties can provide regarding these issues, the better positioned the Court will be to set a trial date that is both expeditious and attainable.

Defendant Airlines.

- The volume of documents the Defendant Airlines anticipate producing to the Plaintiffs during discovery.
- The scope of discovery the Plaintiffs intend to request from third parties.
- The scope of discovery the Defendant Airlines intend to request from the Plaintiffs, apart from the documents the Department of Justice obtained from third parties pursuant to civil investigative demands.
- The scope of discovery the Defendant Airlines intend to seek from third parties.

Depositions

- A breakdown of the depositions each party proposes to take by type of deponent and subject matter, including how many depositions would be taken of party-opponents as opposed to third parties.

Experts

- The number of experts each party anticipates designating and the subject matter of each expert report.
- Whether the Defendant Airlines' experts and/or opinions were disclosed to the Department of Justice prior to this litigation and vice versa.

Trial

- The format each party envisions for the trial, including to the extent testimony shall be introduced via affidavit or deposition, the number of live witnesses each party intends to introduce, and the scope of any live testimony.

IT IS **FURTHER ORDERED** that the parties shall **immediately** begin serving written discovery to the extent possible. The Plaintiffs shall be permitted to propound up to 10 interrogatories (including subparts) to each Defendant. The Defendants shall be permitted to propound up to 15 interrogatories (including subparts) to the Plaintiffs collectively.

SO ORDERED

/s/
COLLEEN KOLLAR-KOTELLY
UNITED STATES DISTRICT JUDGE