

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

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

US AIRWAYS GROUP, INC. and AMR
CORPORATION,

Defendants,

Case No. 1:13-cv-01236-CKK

Trial Date: November 25, 2013

JOINT REPORT IN ADVANCE OF STATUS CONFERENCE

Having met and conferred in advance of the scheduled status conference, the Parties report the following:

I. Status of Discovery

Plaintiffs and Defendants have complied with, and exchanged documents pursuant to, their initial disclosure obligations. Fact discovery is proceeding expeditiously and is on track to end by October 25, 2013. Collectively, Defendants have produced approximately 400,000 documents to Plaintiffs. This is in addition to the more than 925,000 documents Defendants produced during Plaintiffs' pre-litigation merger investigation. Plaintiffs have produced approximately 560,000 documents to Defendants, many of which are documents Defendants originally produced to Plaintiffs in prior investigations.

A detailed summary of discovery events is attached as Exhibit One. In sum, Plaintiffs have taken or noticed 18 party depositions and have noticed two non-party depositions. Because the dates for most non-parties to respond to document subpoenas has not yet arrived, Defendants have not yet noticed non-party depositions but plan to do so immediately after receiving and reviewing the

relevant document productions. The Parties are exchanging preliminary non-binding trial witness lists on Monday, September 30.

II. Proposed Trial Procedures Order

The Parties have met and conferred about an order governing trial-related dates and procedures. Among other things, the order addresses the timing and filing of trial briefs and pre-trial motions, trial exhibits, deposition designations, written direct testimony, post-trial proposed findings of fact and conclusions of law, and the treatment of information designated “confidential” under the Stipulated Protective Order Concerning Confidentiality, dated August 30, 2013. (As to this last topic—the treatment of information designated as “confidential” including whether such information should be filed under seal—the parties ask the Court to consider expanding the reference to the Special Master to include this subject.)

The parties will continue to meet and confer in an effort to submit an agreed-upon Trial Procedures Order to the Court in the next two weeks.

III. Motions

Two motions, both concerning privilege issues, have been submitted to the Special Master by Defendants and will be fully briefed and argued by September 30, 2013.

IV. Other Issues

To provide a window for decision after the November 25th trial, on September 23rd Defendants agreed to extend the deadline for completing their merger from December 17, 2013, until January 18, 2014.

Dated: September 30, 2013

Respectfully submitted,

/s/

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Exhibit One

Exhibit One: Discovery Status

<u>Discovery Category</u>	<u>Status</u>
Initial Disclosures	<ul style="list-style-type: none"> • Complete.
Requests For Production	<ul style="list-style-type: none"> • Plaintiffs' First RFPs to Defendants (served 8/29; responses served 9/19); • Plaintiffs' Second RFPs to Defendants (served 8/30; responses served 9/19); • Plaintiffs' Third RFPs to US Airways (served 9/13; response due 10/3); • Defendants' First RFPs to Plaintiffs (served 8/29; response served 9/13); • The Parties agreed on the custodians to be searched and the search terms to be used by Defendants. Together, Defendants have produced approximately 400,000 documents to Plaintiffs. This is in addition to documents produced during pre-litigation investigation. Plaintiffs have produced approximately 560,000 documents to Defendants, including documents from prior investigations. • The Parties continue to meet and confer regarding their privilege logs.
Interrogatories	<ul style="list-style-type: none"> • Plaintiffs' First Interrogatories to Defendants (served 8/30; response served 9/19); • Plaintiffs' Second Interrogatories to US Airways (served 9/13; response due 10/3); • Plaintiffs' Second Interrogatories to American (served 9/18; response due 10/8); • Plaintiffs' Third Interrogatories to American (served 9/19; response due 10/9); • Defendants' First Interrogatories to Plaintiffs (served 8/30; response served 9/19); • Defendants' Second Interrogatories to Plaintiffs (served 9/25; response due 10/25).

<u>Discovery Category</u>	<u>Status</u>
Non-Party Subpoenas	<ul style="list-style-type: none">• Plaintiffs have issued 48 subpoenas duces tecum;• Defendants have issued 10 subpoenas duces tecum;• Return dates for non-party subpoenas fall between September 30 and October 11.
Depositions	<ul style="list-style-type: none">• Plaintiffs have taken the deposition of seven witnesses from American Airlines and four witnesses from US Airways. They have also noticed three additional witnesses from American Airlines. Plaintiffs have noticed four additional witnesses from US Airways.• Plaintiffs have noticed two non-party depositions. Defendants plan to cross-notice the depositions.
Preliminary Witness Lists	<ul style="list-style-type: none">• The parties are exchanging preliminary non-binding trial witness lists on September 30.