

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

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

AMR CORPORATION,)
AMERICAN AIRLINES, INC., and)
AMR EAGLE HOLDING)
CORPORATION,)

Defendants.)

Civil Action No.: 99-1180-JTM

**DECLARATION OF KARL D. KNUTSEN IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO AMERICAN'S MOTION IN LIMINE TO EXCLUDE CERTAIN
EVIDENCE RELATED TO LEGEND AIRLINES, INC.**

I, Karl D. Knutsen, hereby declare as follows:

1. I am an attorney in the Antitrust Division (“Division”) of the United States Department of Justice and am a member of the trial staff working on the United States’ case against American. I make this declaration in support of Plaintiff’s Opposition to American’s Motion in Limine. I have personal knowledge of the matters set forth herein and can and will testify thereto if called upon to do so.

2. I was present at the deposition of Mr. Thomas G. Plaskett, taken on November 6-7, 2000, by American, when Mr. Plaskett’s counsel instructed Mr. Plaskett not to answer questions related to documents that Magistrate Judge Sanderson of the Northern District of Texas refused to order Legend to produce to American.

3. After the deposition I telephoned Richard Rothman, counsel for American, and asked whether American intended to return to the District Court for the Northern District of Texas to seek additional documents from Legend and/or to compel the testimony of Mr. Plaskett. Mr. Rothman told me that he would have Debra Pearlstein, also counsel for American, respond to my inquiries.

4. Shortly thereafter, I received a telephone call and a voice-mail message from Ms. Pearlstein. Ms. Pearlstein’s message informed me that American had no intention of seeking further discovery from Legend or Mr. Plaskett, but instead anticipated filing a motion *in limine* to preclude his testimony at trial. Ms. Pearlstein further informed me that it was American’s position that the United States had the burden to force Mr. Plaskett to answer questions at his deposition, because Mr. Plaskett was on the United States’ witness list.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on
March 15, 2000, in the District of Columbia.

_____/s"/_____
Karl D. Knutsen