

**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

**PLAINTIFF’S MOTION FOR CLARIFICATION OF THE COURT’S
MAY 9, 2000, MEMORANDUM AND ORDER**

The United States, pursuant to D. Kan. Rule 7.3, moves the Court for clarification of Part B of the Court’s May 9, 2000, Memorandum and Order. One owner of Civil Investigative Demand (“CID”) materials, the American Society of Travel Agents (“ASTA”), while unwilling to file for a protective order, has refused to consent to the disclosure of certain CID materials to American. Because it is unclear whether ASTA’s refusal to file for a protective order constitutes consent to the disclosure of its CID materials to American, and because Plaintiff’s review of these CID materials solely to comply with the May 9 Order does not constitute “use” sufficient to override the prohibitions of the CID statute, Plaintiff is in the awkward position of having in its possession certain CID materials that are the subject of the Court’s May 9 Order but that Plaintiff is statutorily prohibited from disclosing to American.

A Certificate of Conference is being filed concurrently herewith. In support of this Motion, Plaintiff files its accompanying Memorandum and the Declarations of Rebekah J. French and Burton J. Rubin.

WHEREFORE, the United States respectfully requests that the Court clarify whether it intended to order Plaintiff to produce to American CID materials that Plaintiff has not “used” in this case over the express objection of the third party owner of the materials who has received notice but declines to seek a protective order.

Date: June 23, 2000

Respectfully submitted,

Plaintiff United States

By: _____ / “s”/
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