IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Civil Action No. 99-1180-JTM
v.)	
)	
AMR CORPORATION,)	
AMERICAN AIRLINES, INC, and)	
AMERICAN EAGLE HOLDING)	
CORPORATION,)	
)	
Defendants.)	
)	

UNITED STATES OPPOSITION TO DEFENDANTS' MOTION TO COMPEL DOCUMENTS RESPONSIVE TO AMERICAN'S FIRST AND SECOND OF DOCUMENT REQUESTS

Plaintiff United States opposes the motion of defendants AMR Corporation, American Airlines, Inc. and AMR Eagle Holding Corporation ("defendants" or "American") for an order compelling the production of documents responsive to Defendants' First and Second Set of Document Requests. The United States responds as follows, in conjunction with its accompanying Memorandum of Law.

American's motions seeks nothing less than an order from this court requiring the United States to violate *not only* the federal statute that establishes the process by which the Department of Justice's Antitrust Division ("the Division") obtains and uses information in the course of its law enforcement investigations into suspected anticompetitive conduct, *but also* to divulge to American confidential materials that Plaintiff obtained in connection with its on-going investigation of other air carriers in hubs

other than DFW, the only hub at issue in this case. As if that were not enough, American also asks this Court to require Plaintiff to violate an Order entered by the United States District Court for the Eastern

District of Michigan.

The United States has produced all the documents it is permitted to produce consistent with

Antitrust Civil Process Act, 15 U.S.C. §1313(c). Any potentially responsive documents the United

States has not produced are restricted from disclosure under 15 U.S.C. §1313(c) or the protective

order entered in United States v. Northwest Airlines Corp. and Continental Airlines, Inc., or are

protected under the law enforcement investigatory files privilege. American's motion should be denied

because the United States is not required to violate a federal statute and an Order of another District

Court when it has produced to American all of the responsive, non-privileged documents it is legally

empowered to disclose.

Dated this 14th day of March, 2000.

Respectfully submitted, Plaintiff United States

"/s/"

By: CRAIG W. CONRATH

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Antitrust Division

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