

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

AB ELECTROLUX,

ELECTROLUX NORTH AMERICA, INC.,

and

GENERAL ELECTRIC COMPANY,

Defendants.

Case No. 1:15-cv-01039-EGS

**UNITED STATES' MEMORANDUM IN OPPOSITION TO DEFENDANTS'
MOTION TO ENFORCE THIS COURT'S ORDER COMPELLING PLAINTIFF TO
PRODUCE DOCUMENTS RESPONSIVE TO REQUESTS 22 & 23 IN DEFENDANTS'
FIRST REQUEST FOR PRODUCTION**

Defendants' motion to "enforce this Court's order" (Docket Entry No. 153) is meritless and should be denied. The five government agencies that have been targeted by Defendants' motion have produced significant amounts of information and are unable to identify anything else they can produce. The particular "deficiencies" cited by Defendants' motion—most of which were first disclosed to the United States through the motion rather than in meet-and-confer—have been resolved to the extent it is possible for these federal agencies to do so.

It bears repeating: the relevance of this government agency discovery is marginal, at best, to the issue in this case—the harm that will result from merging two major cooking appliance manufacturers. These federal agencies, while technically parties to this litigation as part of the United States government, are strangers here. Their conduct is not at issue. They did not bring this law enforcement action. They are participating solely because they were swept in by Defendants' broad demands. Nonetheless, the federal agencies have taken substantial efforts to comply with the Court's Order and have gone above and beyond their obligations in an attempt to satisfy Defendants' serial and unfocused complaints. For some agencies, the alleged data deficiencies identified in the motion are particularly trivial, but they have nonetheless remedied them by yet another supplemental production. They have also supplied declarations (filed with the Court along with this brief) to confirm they have completed good-faith searches and cannot identify anything further to provide.

Defendants' conclusory statement that there must be documents still missing from the productions (Motion at 3) reveals a misunderstanding of the nature of these entities and their purchases—despite the United States' repeated descriptions of these federal agencies. The Armed Forces Retirement Home, for example, does not even purchase appliances for its dormitory-style residences; it has only a few communal cafeteria kitchens and small appliances

in employee lunchrooms. Ex. D (Pollard Decl.) ¶ 2. It has no database, despite Defendants' insistence. Instead, the spreadsheet about which Defendants complain was not pulled from a database; it actually was manually created by that agency's employees for Defendants' convenience as a guide to the documents those federal employees had produced to Defendants—an endeavor that was well beyond the agency's document production obligations. *Id.* ¶ 5.

Robust appliance resale data previously produced by the Army and Air Force Exchange Service (AAFES), the other particular complaint raised by Defendants at the status conference, have now been supplemented further to remedy the complaints identified in the motion. Ex. B (Llewellyn Decl.) ¶ 5. Defendants continue to posit that more bid and proposal data must exist, but the military exchanges simply do not use bidding for appliance purchases. They are exempt from bid and proposal regulations governing other agencies. *See* Ex. A (Crawford & Drainer Decl.) ¶ 5; Ex. B ¶ 7; Ex. C (Chesterman Decl.) ¶ 8. And the one agency with substantial appliance purchases and bid and proposal data—General Services Administration—has produced not merely its own purchase data but also its enormous dataset recording purchases by countless other federal agencies. Ex. E (DelNegro Decl.) ¶ 10. Defendants conceded GSA's production was “very fulsome” (Oct. 14, 2015 Hearing Tr. 40:9-10), yet they still have burdened even GSA with this renewed motion.

Below is a detailed response for each entity, supported by a declaration. Where a supplemental production was requested by Defendants, it has now been provided. Therefore, Defendants' motion should be denied.

ARGUMENT

I. The Court's Order

This Court's September 25 Order (Docket No. 123) granted in part and denied in part Defendants' motion to compel (Docket No. 102) as follows:

To the extent Defendants seek proposals, project bids and underlying purchase data of relevant appliances bought in the United States by the Army & Air Force Exchange Service, Navy Nexcom West / Navy Exchange Service, Armed Forces Retirement Home, Coast Guard Exchange, Marine Corps Exchange, and the [GSA] from January 1, 2010 to the present, Defendants' motion is granted; to the extent Defendants seek such information from before January 1, 2010, the motion is denied.

As a result, each relevant agency went back to its sources to confirm that all responsive material had been produced. In the case of some of the agencies, additional material was identified and produced to Defendants.

II. Defendants' Complaints About the Agencies' Productions Are Incorrect

A. General Services Administration

Defendants' Claim:

Although DOJ produced additional documents after the September 25 Order, this production is also still deficient. The data DOJ produced is a set of spreadsheets that appear to have been created for the litigation rather than in the ordinary course, and certain errors exist that may be a result of the non-ordinary-course context in which the data was created. For example, DOJ produced a spreadsheet titled "Ranges" that purports to show a large purchase by GSA from an entity that is a healthcare company, not an appliance manufacturer. It appears that a complete set of the transaction data fields, rather than the selection that was made, would assist in using this data reliably. As for bids and proposals, DOJ produced documents in a byzantine directory structure that contains some quotes as well as many photos of appliances and supplier information. Defendants are still reviewing this information to determine whether it is sufficient.

The United States' Response:

The United States still does not know why Defendants' motion included GSA.

Defendants conceded at the October 14 status conference that GSA provided a "very fulsome"

production (Oct. 14, 2015 Hearing Tr. 40:9-10), and Defendants did not identify any problems with GSA's production before filing their motion. To comply with the Court's order, GSA collected and produced supplemental data—not only of its own appliance purchases, but also of purchases by *other federal agencies*—to deliver over 500 gigabytes of data, bids, and proposals.¹ Ex. E ¶ 10. That production was an immense undertaking on an expedited basis to satisfy Defendants' demands. GSA's production was comprehensive and exemplary, and there is nothing further to produce.

GSA's relevant data is stored in five databases. First, the Federal Procurement Data System - Next Generation “provides a comprehensive web-based tool for agencies to report contract actions.” *Id.* ¶ 5. Those data reflect spending from all executive agencies, not only GSA. *Id.* Second, contract data is stored electronically through the Electronic Content Management System. *Id.* ¶ 6. Third, federal agencies may use GSA's “eBuy” online tool. The eBuy tool is designed to facilitate the request for submission of quotations for a wide range of commercial products and services. *Id.* ¶ 7. Fourth, “GSA Advantage!®” captures data from purchases ordered directly from agencies. *Id.* ¶ 8. Finally, the “GSA SmartPay® 2” Purchase Card Program provides for a government-wide commercial purchase card that allows federal employees to make official purchases. *Id.* ¶ 9.

GSA extracted all responsive transaction, bid, and proposal data from all of these data sources. *Id.* ¶ 10. Data for GSA's purchases in its role as public property manager through

¹ Due to the time constraints and the burden on GSA, GSA so far has prepared only one copy of those data, which the Department of Justice gave to Defendants. We are still waiting for GSA to send us our copy. GSA's original estimate of the size of the production was 1.3 terabytes (on which the United States relied in its report to the Court at the October 14 status conference). After the status conference, we received the GSA declaration, which informed us that the completed data extract was less than originally estimated, but still an enormous quantity of information (over 500 gigabytes, which still would be almost 25,000 banker boxes of printed documents).

GSA's Public Building Service division were produced; purchases by GSA on behalf of other agencies, or directly by other agencies through GSA's data tools, have now also been produced. *Id.* The end result was an enormous production of granular transaction, bid, and proposal data for tens of thousands of transactions and contracts. *Id.*

Defendants' statement that they are "still reviewing this information to determine whether it is sufficient" (Motion at 3) reveals that no real deficiencies have been identified and the motion need not have been filed.² The only "error[]" identified is that a spreadsheet for "ranges" shows a large purchase by a "healthcare entity, not an appliance manufacturer." (*Id.*) This alleged error has not been identified sufficiently to even investigate it, and it is unclear whether it constitutes an error at all. Defendants also suggest that they lack a "complete set of the transaction data fields." (*Id.*) GSA extracted the data from all available data sources capturing all fields containing the transaction detail requested in Defendants' Request for Production for Requests 22 and 23. Ex. E ¶ 10. It is unclear what fields Defendants believe are missing or why. Defendants have all fields containing the transaction items they requested, and there is nothing more for GSA to produce to comply with the Requests or the Court's order.

Defendants allege no deficiency in bid and proposal data—nor could they, since GSA produced everything it had. Rather, Defendants complain vaguely of a "byzantine directory structure." (Motion at 3.) The directory structure was produced as it exists in the ordinary course of business. Ex. E ¶ 11. GSA did not re-create for this litigation the directory structure it maintains for these enormous databases in the ordinary course of business. *Id.*

² To the extent Defendants attempt—as they did in their reply in support of their original motion (Docket No. 119)—to add additional alleged deficiencies in their reply that they did not disclose in their opening brief, giving the United States no opportunity to respond, the United States objects. The motion should be denied as to any such alleged deficiencies raised for the first time on reply.

GSA's production was—in Defendants' words—"very fulsome." GSA has identified nothing more to produce, and the motion should be denied with respect to GSA.

B. Armed Forces Retirement Home

Defendants' Claim:

Although DOJ produced additional documents after the September 25 Order, its production is still deficient. The data produced is lacking any dates or discount information, and contains no information regarding cooking appliances. And while DOJ produced some purchase orders, it produced no bids or proposals.

The United States' Response:

AFRH is a relatively tiny organization that runs two locations in the United States (one in Washington, DC, as the Court noted) with approximately 1,100 total housing units. Ex. D ¶ 2. It provides residences and related services for certain retired and former members of the Armed Forces, including veterans who have injuries, disabilities, financial challenges, or other special needs. *Id.* The residences are dormitory-style living quarters; AFRH does not provide individual living units with built-in appliances. *Id.* The only cooking appliances that AFRH has purchased over the last five years are a few commercial kitchen appliances for servicing communal cafeterias in the facilities, and a few de minimus purchases of appliances such as microwave ovens or coffeemakers for employee lounges. *Id.* Unlike AAFES or Nexcom, AFRH does not make retail sales of appliances.

Accordingly, AFRH does not maintain a database of transaction data for appliance purchases. *Id.* ¶ 5. To the extent AFRH has purchased appliances, those data are contained in documents such as purchase orders and contracts. *Id.* All purchase orders and contracts in AFRH's possession that contain responsive information have been produced. *Id.* The "data" spreadsheets with which Defendants find fault were not extracted from a database; they were

manually created for this litigation by AFRH to accompany the documents produced to facilitate Defendants' understanding of the information contained in them. *Id.*

Defendants complain about the AFRH data production because it is "lacking any dates or discount information, and contains no information regarding cooking appliances." (Motion at 2-3.) As explained above, since the data was compiled from the source documents Defendants have, any missing dates either do not exist or can be identified by Defendants just as easily as by AFRH. For completeness, AFRH also produced a spreadsheet from 2009 (before the time frame required by this Court's order) that is an inventory of appliances, including cooking appliances, with data such as item description, manufacturer, model number, quantity, price per item, and total price of purchase. Ex. D ¶ 5. AFRH has no further responsive data to produce. *Id.*

Defendants complain that AFRH "produced no bids or proposals." (Motion at 3.) That is because it has none. AFRH had only two construction projects for new residence facilities during the relevant time frame. Ex. D ¶ 6. AFRH did not purchase any appliances itself for these projects; it outsourced the projects to GSA. *Id.* AFRH does not have access to any bid or proposal information for appliance purchases for these projects. *Id.*

As noted above, AFRH does have occasional de minimus appliance purchases such as microwaves for employee lounges. *Id.* ¶ 7. AFRH is so small it has no contracting officer, so relies on the Bureau of Fiscal Services (within the Department of the Treasury) for these small purchases, or a designated Government Purchase Card Holder will purchase the appliance. *Id.* To the extent any bids are used for these acquisitions, AFRH does not have the information. *Id.* AFRH only sees the lowest-priced offer technically complying with the specifications. *Id.* AFRH is unaware of any purchases made for cooktops, wall ovens or ranges through the Bureau of Fiscal Services during the relevant time frame. *Id.*

AFRH has no further “dates or discount information,” no further information “regarding cooking appliances,” and no “bids or proposals” beyond what has already been produced.

Id. ¶ 8. AFRH conducted a good faith, diligent search for responsive information in compliance with this Court’s order and with Defendants’ requests. *Id.* ¶ 4. The motion should be denied with respect to AFRH.

C. Coast Guard Exchange Service

Defendants’ Claim:

Although DOJ produced additional documents after the September 25 Order, its production is still deficient. DOJ has produced a spreadsheet that summarizes transaction data, showing only the number of types of appliances purchased by the Coast Guard by vendor, with no prices, dates (not even years), or rebates or discount information. DOJ produced an additional spreadsheet, but it lacks price, dates, or rebates or discount information, and shows different quantities from the other. The lack of any date information makes it impossible to understand how the two spreadsheets relate to each other. And while DOJ produced printouts of a handful of purchase orders and some reference documents for understanding the fields and entries in the purchase orders, it produced no bids or proposals, which provide critical information about the full range of suppliers bidding and how their competitive merits is analyzed by the entity.

The United States’ Response:

CGES’s mission is to provide for the welfare of Coast Guard servicemen and servicewomen and their families. Ex. A ¶ 2. CGES operates 66 “exchange” facilities that serve as on-base retail stores for active duty Coast Guard personnel. *Id.* Most of these “retail” stores are very small, akin to food-mart convenience stores, and have one or two employees. *Id.* CGES has no “Sears-style” retail facilities that host showrooms of appliances for purchase, and with rare exceptions, CGES has no appliances on sales floors. *Id.* Rather, as a service to Coast Guard personnel who want to purchase an appliance they have identified on-line, CGES will place a purchase order for that model on the servicemember’s behalf. *Id.*

First, Defendants complain that CGES “produced no bids or proposals.” (Motion at 2.) That is true because CGES has no bids or proposals. CGES does not use a bid/RFP process to purchase appliances. *Id.* ¶ 5. Rather, CGES, upon receipt of an appliance order from a customer, merely issues a purchase order to acquire the ordered appliance. *Id.* In short, as the United States has told Defendants repeatedly, CGES does not use a bid/proposal process to purchase appliances and thus has no bid/proposal documents to produce.

Defendants claim that bid documents must exist because 48 C.F.R. § 4.805 requires “executive agencies to retain bids, proposals, and related contract materials for at least three years.” (Motion at 4.) Because CGES is a Non-Appropriated Fund Instrumentality (“NAFI”), it is afforded some flexibility in the acquisition processes it chooses. Ex. A ¶ 5. Many regulations which apply to Appropriated Fund Acquisitions, including 48 C.F.R. § 4.805, do not apply to NAIs. *See id.*

Second, Defendants complain of alleged deficiencies in CGES’s data production as well. Those complaints are equally without merit. CGES has produced all responsive data from the databases it uses to record purchase information. *Id.* ¶¶ 6-9, 12. CGES used the “E1 database” during the period January 2006 to March 2014 as CGES’s main business database system. *Id.* ¶ 6. It was used to maintain merchandise product item information, purchase orders, receiving, inventory, accounts payable invoices, financial accounting, and sales audit information. *Id.* All responsive data contained in E-1 were extracted and produced to Defendants. *Id.*

Since July 2013, CGES has used the “MI-9 database” as its current business database system. *Id.* ¶ 7. It is a resource to maintain merchandise product item information, purchase orders, receiving, inventory, accounts payable invoices, financial accounting, and sales audit

information. *Id.* All responsive data contained in MI-9 were extracted and produced to Defendants. *Id.*

Defendants' characterization of those CGES data as deficient is simply incorrect. The CGES transaction-level data that was produced to Defendants is the very data CGES relies upon in the ordinary course of business. *Id.* ¶ 12. The produced data provides the transaction-level detail Defendants seek to the extent it exists in the source databases. *See id.* The produced data contains granular transaction-level data of the appliance purchases made by CGES. *Id.* ¶ 8. It includes information on over 14,494 responsive appliance transactions, all those within the database. *Id.* It captured, on a transaction-by-transaction basis, the Purchase Order number, Buyer, Purchase Order Date, Status, Status Date, Cancel Date, Item number, SKU number, UPC, Vendor Code, Cost, Quantity, Retail Price, Total Cost, Shipped Date, and Item Description, among other identifiers. *Id.* Defendants contend that the data "lacks price, dates, or rebates or discount information." (Motion at 2.) This also is simply wrong. To the extent they were available for a transaction, the produced data includes dates under the fields "orderdate," "createdate," "amenddate," "prntdate," for the MI-9 data under the MI-9 tab, and "STAT-DT" for the E1 data under the New_E1_Data tab. *Id.* ¶ 9. The data also contain price information. Prices appear under the "UnitRetail" tab for the MI-9 data and RET_PRC for the E1 data. *Id.* To extent they were available in the data, discounts were also provided (i.e., the field "TOT_DISC" in the data provided from the E1 data extraction). *Id.* It is not surprising there is little data in the discount field, because CGES does not perform a reselling function for appliances but simply facilitates purchasing by servicemembers, as explained above.

None of these specific data complaints were identified before filing the motion; had Defendants done so, these issues could have been explained. Moreover, no data dictionary exists

for the E1 or MI9 databases, but CGES *created* one by compiling documentation from the E1 and MI9 systems—at great effort and on an expedited basis—to assist the Defendants in their understanding of the data. *Id.* ¶ 10.

Finally, Defendants claim that there are “different quantities” for certain transactions in the two data sources. (Motion at 2.) Because Defendants’ complaint is so vague, and because this issue was never raised in meet-and-confer, CGES has no way of addressing this complaint specifically. However, it is likely caused by the brief overlap in the use of the two databases. Because the old E-1 system was maintained in parallel with the new MI-9 system during an approximately nine-month transition period (July 2013-March 2014), there may be some unavoidable duplication of data regarding CGES’s purchases of appliance recorded in the two data sources. *See* Ex. A ¶ 11. CGES knows of no way to address this problem, which affects a small quantity of the produced data. *Id.*

CGES has complied with this Court’s order, and there is nothing further to provide.³ The motion should be denied with respect to CGES.

D. Army and Air Force Exchange

Defendants’ Claim:

Although DOJ produced additional documents after the September 25 Order—though after the court-ordered deadline on September 30th—this production is also still deficient. DOJ provided most of the requested data for AAFES in a

³ CGES does archive some of the hard-copy purchase orders derived from the data in E1 and MI9. Ex. A ¶ 13. CGES believes this documentation to be greater than 95% duplicative of those data sources. *Id.* It is archived in storage facilities in Chesapeake, Virginia, consists of thousands of boxes, and is not catalogued or inventoried. *Id.* Review, collection and production of this duplicative material by CGES could take over two months at great expense (assuming six CGES employees could work on it full time, and no such personnel are available to be diverted from their normal duties for such a burdensome task). *Id.* Even were such an effort undertaken, it would be highly unlikely to yield responsive information not already contained within the data already produced. *Id.* Nevertheless, CGES has offered to make this material available to Defendants for inspection and copying should they be interested in it. *Id.*

spreadsheet, but it rendered that data completely useless by failing to include any item description field, item lookup table, or other item reference. For example, the spreadsheet shows that on a given date, AAFES paid a certain price for a particular item number from a particular vendor number. But, while DOJ provided a separate lookup table identifying vendors by number—which at least provides a cumbersome method of analyzing the data—it provided no means of identifying which item numbers correspond to which products. And DOJ produced no bids or proposals.

The United States' Response:

AAFES provides facilities and services for the convenience and welfare of servicemen and servicewomen in the U.S. Army and U.S. Air Force. Ex. B ¶ 2. It runs exchanges selling some retail products on posts across the U.S. and globally. *Id.* As a small part of that exchange operation, AAFES resells some appliances to U.S. servicemen and servicewomen. *Id.*

AAFES maintains its appliance purchase data in its “Microstrategy database.” *Id.* ¶ 5. AAFES extracted data recording the transaction detail requested by Defendants from that database. *Id.* It only contains active data for 24 months. *Id.* After the September 25 order, AAFES extracted archived data back to January 1, 2010 for appliance purchases and produced it to Defendants on an expedited basis at great effort. *Id.* Additionally, to resolve Defendants’ complaint that the initial AAFES production was insufficiently detailed, AAFES returned to the data source to extract additional transaction detail complying fully with Defendants’ requests. *Id.* Those produced data include granular transaction-by-transaction purchase data including fields for the items purchased, the quantity purchased, the total cost of the items and the total sales value of the items sold. *Id.* AAFES has now produced all transaction data requested by Defendants and required by this Court’s order.

Defendants contend that those data lack any “item description field, item lookup table, or other item reference.” Specifically, Defendants complain that AAFES produced a lookup table identifying vendors by number but provided “no means of identifying which item numbers

correspond to which products.” (Motion at 2.) This complaint is meritless. AAFES provided Uniform Product Codes for all items in the data extract, which is how AAFES tracks the information in the ordinary course of business. Ex. B ¶ 6. Those code definitions are not merged with the product description in the database in the ordinary course of business, so this is not a deficiency of production. *See id.* The code descriptions are universally used and publicly available and Defendants can match them to product descriptions as easily as AAFES can. Even so, to resolve this complaint (raised by Defendants for the first time in this motion), AAFES has supplemented its production to correlate codes and product descriptions for Defendants’ convenience. *Id.* That additional information was produced to Defendants on October 14.

Defendants also complain that no bid or proposal data was produced, but none exists. AAFES is a NAFI and thus is exempt from certain regulations concerning bids and proposals cited in Defendants’ motion, including 48 C.F.R. § 4.805. *See id.* ¶ 7. AAFES does not purchase appliances through bids or proposals, and thus has no responsive bid or proposal documents to produce. *Id.*

AAFES has produced those responsive data it has in the greatest level of detail available. It has complied fully with the Court’s order. The motion should be denied with respect to AAFES.

E. Marine Corps Exchange

Defendants’ Claim:

DOJ produced no additional documents after the September 25 Order, so all the original deficiencies remain. Before the Order, DOJ produced only two Excel files. One is a pivot table, which is an automated Excel analysis of underlying data that DOJ has not produced. This pivot table file provides several of the requested fields, but no prices, discounts or rebates, or vendor numbers. The other file is a spreadsheet containing certain data, but it contains a different subset of the agency’s data, and in this file the vendor name, item number, class and subclass were omitted. And DOJ produced no bids or proposals.

The United States' Response:

MCX, similar to AAFES, provides services to U.S. servicemembers including exchanges that resell goods on Marine Corps facilities. Ex. C ¶ 2. As a small part of that retail business, MCX resells some appliances. *Id.*

MCX produced responsive data from its “MR electronic database,” which records MCX’s sales data for tracking receipts, sales, and purchase orders. *Id.* ¶ 5. Defendants’ complaint about “underlying data DOJ has not produced” (Motion at 2) makes no sense in this context; data resides in the MR database and data from that source can only be provided to Defendants by extracting it into an application like Excel. Those data were extracted into Excel worksheets for production to Defendants. Ex. C ¶ 5.

To satisfy Defendants’ complaints about the detail of MCX’s data raised in its motion, MCX went back to the MR database and performed a new data extract from the MR database to augment the prior MCX production and to capture more information. *Id.* ¶ 6. The new data pull was produced to Defendants on October 15. The fields produced include, on a transaction-by-transaction level, all data available, including vendor name, vendor number, multiple fields of product classifications and subclassifications, cost to MCX, price of retail sale, quantity of units sold, and sales date, among other fields. *Id.* Those data produced are the responsive purchase data MCX maintains in the ordinary course of business and was produced at the greatest level of detail available. *Id.* With that supplemental production, Defendants’ criticisms of those data are fully resolved and no further responsive data exists.

Defendants complain that no discount or rebate information is included. That remains true because MCX does not record discounts or rebates in the ordinary course of business and

thus this data cannot be produced. *Id.* ¶ 7. However, those data in the “Retail” field include the price at which appliances were sold. *Id.*

Finally, Defendants complain that no bid or proposal data was produced. MCX has not produced any information, data, or documents regarding appliance Bid/Request for Proposals (“RFP”) documents, because it has none. Like CGES and AAFES, MCX is a NAFI and thus is not bound by bid and proposal regulations governing non-NAFIs. *Id.* ¶ 8. Once quotes are received from vendors electronically, the winning bid is identified and the information pertaining to that quote is reflected in a purchase order. *Id.* Those data related to appliance purchase orders are in the MR database that has been produced. *Id.* Any losing bid data are not preserved in the MR database in the ordinary course and thus cannot be produced. *Id.*

MCX has produced all responsive transaction data in the greatest detail for which responsive data exists. It has no responsive bid or proposal data. Accordingly, the motion should be denied with respect to MCX.

CONCLUSION

The United States has produced all responsive documents found by a good faith, reasonable, and diligent search from AAFES, Nexcom,⁴ Coast Guard Exchange, Marine Corps Exchange, Armed Forces Retirement Home, and the General Services Administration.

Defendants’ motion to compel is meritless and should be denied.

⁴ “Defendants do not seek anything further from DOJ regarding Nexcom.” Motion at 3.

Dated: October 16, 2015

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CERTIFICATE OF SERVICE

I certify that on October 16, 2015, the foregoing was served on counsel of record via ECF.

Dated: October 16, 2015

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