

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

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

*Defendants.*

Civil Action No.: 99-1180-JTM

The United States hereby requests that the Court clarify or correct the deadlines contained in the Court’s April 14, 2000, Revised Scheduling Order (“Revised Order”) that specify the time by which parties must file responses and replies to dispositive motions. With respect to the deadline for responses to dispositive motions, the United States has reason to believe that the deadline specified in the Revised Order may have been inadvertent. With respect to the deadline for replies to dispositive motions, counsel for Defendants (collectively “American”) has stated that American will not oppose Plaintiff’s request for correction of the deadline for responses to dispositive motions if the request includes a corresponding request for additional time for replies to dispositive motions. Finally, Plaintiff and American agree that two other minor matters should be clarified in the Revised Scheduling Order.

**Responses.** The Revised Order directs that dispositive motions be served by January 8, 2001, that responses be filed by February 2, 2001, and that replies be filed by February 19, 2001. The original scheduling order issued on December 22, 1999 (“Original Order”) provided a 46-day period to respond to such motions, but the Revised Order cuts that time nearly in half, to 25 days. Neither party proposed a reduction in the amount of time for responses to dispositive motions, implicitly recognizing that a longer time is appropriate for this case. In the papers submitted by the parties to the Court with respect to proposed revised schedules, Plaintiff proposed reducing the amount of time for responses by 1 day (to 45 days) and Defendants proposed reducing the amount of time for responses by 9 days (to 37 days).

Plaintiff believes that the change to the schedule relating to responses to dispositive motions may have been inadvertent because (1) the Revised Order modifies the time allowed for responses to dispositive motions in a manner that is inconsistent with both of the proposals presented by the parties, and (2) the Revised Order departs substantially from the schedule contained in Original Order.

**Replies.** The Original Order and the Revised Order provided for a 17-day period for replies, which is four days fewer than the 21-day period agreed to by the parties in their Form 35 Report and requested by American in its Proposed Pretrial Schedule (submitted on March 31, 2000).

**Request.** Plaintiff respectfully requests that the Court restore the amount of time between the filing of potentially dispositive motions and the filing of responses to 45 days and, consistent with American’s agreement not to oppose this request, increase the amount of time for the filing of replies to 21 days.

Finally, both parties agree that the Revised Scheduling Order should be clarified to reflect that the deadlines contained in paragraphs 3(A) and (B), relating to preliminary and final lists of witnesses and exhibits, do not apply to expert and demonstrative exhibits. Consistent with this agreement, the United States respectfully requests that the Court amend paragraph 2(E) of the Revised Scheduling Order to reflect that expert exhibits must be exchanged on the same date as the date for final expert reports (*i.e.*, December 4, 2000) and add a paragraph 3(E) relating to demonstrative exhibits.

A Proposed Order implementing the corrections and clarifications requested herein is attached hereto as Exhibit A.

Date: April 27, 2000

Respectfully submitted,

Plaintiff United States

By:           "/s/"            
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