

RULING NO. C2008-3/26

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Complaint of Capital One Services, Inc.

Docket No. C2008-3

PRESIDING OFFICER'S RULING
GRANTING EXTENSION OF TIME TO FILE RESPONSES

(Issued September 26, 2008)

Capital One Services, Inc. (Capital One) filed a consent motion requesting a further extension of time to file responses to two Postal Service motions to strike portions of the Jessica Dauer Lowrance deposition transcript.¹ A previous ruling granted an extension of time until September 26, 2008.² This Motion requests an indefinite extension.

Capital One states that Capital One and the Postal Service are engaged in informal discussions to resolve several discovery disputes, and indicates that they would like to continue trying to resolve these issues informally rather than presenting them to the Commission. If informal resolution cannot be reached, Capital One and the Postal Service understand that they would have an opportunity to fully brief the privileges and exemptions issues as they apply to all of Capital One's outstanding discovery requests.

¹ Consent Motion of Capital One Services, Inc. for Further Extension of Time to File Responses to Postal Service Motions to Strike Portions of the Lowrance Deposition Transcript, September 25, 2008 (Motion).

² P.O. Ruling C2008-3/21, September 17, 2008.

The Motion for extension of time is granted. The Commission encourages the parties to resolve their discovery disputes informally. Aside from saving Commission resources, from the parties' perspective informal agreements may be preferable to resolution by the Commission. Capital One shall file a weekly status report with the Commission while informal discussions are ongoing. The report will allow an assessment of progress being made and reduce the possibility of unnecessary delay.

RULING

1. The Consent Motion of Capital One Services, Inc. for Further Extension of Time to File Responses to Postal Service Motions to Strike Portions of the Lowrance Deposition Transcript, filed September 25, 2008, is granted.
2. Capital One shall file a weekly status report with the Commission while informal discussions are ongoing. Status reports shall be filed every Friday.

Dan G. Blair
Presiding Officer