

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

COMPLAINT OF CAPITAL ONE
SERVICES, INC.

Docket No. C2008-3

MOTION TO ALLOW ADDITIONAL TIME TO DEPOSE
JESSICA DAUER LOWRANCE

In Ruling No. C2008-3/2 (August 26, 2008), the Commission granted the request of Capital One Services, Inc. (Capital One) to move the deposition of Ms. Lowrance to Wednesday, August 27, 2008, so that her deposition could take place before she leaves employment with the Postal Service on Friday, August 29, 2008. Ruling No. C2008-3/3 (August 26, 2008) established procedures for that deposition, including that “the deposition of Ms. Lowrance shall not exceed 7 hours on August 27, 2008.” *Id.* at 5.

Capital One Services, Inc. (Capital One) recognizes and appreciates the efforts of the Commission and the various parties to expedite this important deposition. For three distinct reasons, however, Capital One is compelled to ask the Commission authorize an additional 7 hours on Thursday, August 28, 2008, to depose Ms.

Lowrance:

(1) Although Ruling No. C2008-3/3 requires Ms. Lowrance to bring responsive documents to the deposition, Capital One did not receive or review a single document from the Postal Service prior to 10:20 a.m. today, and even then the documents

reflected only a portion of the documents she brought with her, which, in turn, comprise only a small portion of a much larger set of responsive documents she described in her testimony. Obviously, this lack of documents has severely handicapped Capital One's preparations and its ability to adequately question Ms. Lowrance. Allowing a second day for the deposition will allow Capital One to review at least the few documents that have been provided thus far and will afford a more meaningful opportunity to question Ms. Lowrance about their significance.

(2) During the course of the deposition today, counsel spent 45 minutes discussing potential objections and other administrative matters and then took a 30 minute lunch break, and counsel for the Postal Service has taken the position that this hour and fifteen minutes should count against the 7 hours specified in Ruling No. C2008-3/3. In addition, the parties have not yet fully resolved how to handle the closed door (sealed) portion of the deposition, which promises to consume even more time.

(3) Contrary to the Postal Service's representations, today's questioning has revealed that Ms. Lowrance played a key role in the NSA process and has personal knowledge of many of the issues raised by the Complaint. The parties did not anticipate the extent of Ms. Lowrance's personal knowledge, and essential questions relating to her detailed knowledge have taken more time than expected.

(4) Finally, given Ms. Lowrance's extensive involvement in the facts giving rise to this Complaint, Capital One has will likely use all available time (and could use substantially more) to question the witness, leaving no time for other parties to question the witness. Allowing an additional day of deposition will allow those parties to question the witness, and will also allow Capital One the maximum possible time to determine

the scope and extent of Ms. Lowrance's relevant knowledge before she leaves Postal Service employment on Friday, August 29, 2008.

For all these reasons, Capital One respectfully requests that the deposition of Jessica Dauer Lowrance be allowed to continue on Thursday, August 28, 2008.

Respectfully submitted,

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