

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

COMPLAINT OF CAPITAL ONE
SERVICES, INC.

Docket No. C2008-3

**CONSENT MOTION FOR AN EXTENSION OF TIME
TO FILE MOTIONS TO COMPEL
FOR INTERROGATORIES COS/USPS-1-11**

(September 12, 2008)

The Commission previously granted the request of Capital One Services, Inc. (Capital One) for an extension of time to file motions to compel associated with interrogatories COS/USPS-1-11 until seven (7) days “from the submission of the (second day) privilege log or the availability of the last deposition transcript, whichever is later.” Ruling No. C2008-3/12 (September 4, 2008), at 3. Under that ruling, motions to compel related to those discovery requests are due on Tuesday, September 16, 2008.¹

In an ongoing effort to address discovery disputes informally, Capital One and the Postal Service are attempting to resolve as many issues as possible to minimize the questions that need Commission involvement. Capital One requests additional time to file motions to compel related to the discovery requests from Capital One to the Postal Service. The following facts support this request:

¹ The second day of deposition transcript was published on Friday, September 5, 2008, and the second day privilege log was filed by the Postal Service on Tuesday, September 9, 2008.

- As a result of communications between counsel for Capital One and counsel for the Postal Service during the first week of September, a conference call was held between counsel on Monday, September 8, 2008.
- During that call, Capital One counsel and Postal Service counsel agreed to go over the discovery requests one by one in an effort to cooperate in good faith and to narrow the issues in dispute.
- Another conference call was held today, September 12, 2008, in which the parties made further progress. We expect it will take some time (an uncertain amount of time at this point), to work through all the issues.

Accordingly, Capital One seeks additional time to allow counsel to winnow through these discovery issues and resolve as many as possible informally and without the need for the Commission to rule on motions to compel. Capital One respectfully requests that the extension of time apply to all of Capital One's interrogatories to the Postal Service on file currently, except Interrogatory COS/USPS-12.

Capital One will keep the Commission apprised of the progress of these discussions. Counsel for the Postal Service has reviewed and consents to this motion.

Respectfully submitted,

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