

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

COMPLAINT OF CAPITAL ONE  
SERVICES, INC.

Docket No. C2008-3

**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)

Capital One Financial Services, Inc. (Capital One) respectfully requests a further extension of time to file its responses to two Postal Service Motions to Strike Portions of the Lowrance Deposition Transcript. Responses to the two Postal Service motions – Motion of the United States Postal Service to Strike Portions of Lowrance Deposition Transcript Volume 1 (September 9, 2008), and Motion of the United States Postal Service to Strike Portions of Lowrance Deposition Transcript Volume 2 (September 12, 2008) are due on September 26, 2008, pursuant to a previous extension of time granted in P. O. Ruling C2008-3/21 (September 17, 2008).

Since September 17, 2008, Capital One and the Postal Service have engaged in informal discussions to resolve several discovery disputes. In its Motions to Strike, the Postal Service challenges several portions of the Lowrance deposition based on arguments that raise issues relating to the Deliberative Process Privilege, the Attorney Client Privilege, and statutory exemptions. These issues are intertwined with the

privilege and exemptions issues that are part of the ongoing informal discussions between the Postal Service and Capital One.

Capital One and the Postal Service would like to try to resolve these issues informally rather than present them to the Commission in the context of the Motions to Strike. Capital One accordingly requests an indefinite extension of time for its responses to those Motions, similar to the extension of time granted in P. O. Ruling C2008-3/19 (September 16, 2008) for Capital One's Motions to Compel Responses to COS/USPS 1-11 and COS/USPS-DR-1-17, 19-22. Should an informal resolution of these issues not be reached, Capital One and the Postal Service understand that they will have the opportunity to fully brief the privileges and exemptions issues as they apply to all of Capital One's outstanding discovery requests.

The Postal Service has consented to this Motion

Respectfully submitted,

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