

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

COMPLAINT OF CAPITAL ONE
SERVICES, INC.

Docket No. C2008-3

THIRD WEEKLY STATUS REPORT
OF CAPITAL ONE SERVICES, INC. ON INFORMAL DISCUSSIONS
WITH THE POSTAL SERVICE CONCERNING DISCOVERY ISSUES

(October 17, 2008)

Pursuant to Presiding Officer's Ruling Granting Extension of Time to File Responses, C2008-3/26 (September 26, 2008), Capital One Services, Inc. (Capital One) submits this report on the status of its informal discussions with the Postal Service concerning discovery issues for the week of October 14, 2008.

Capital One and the Postal Service had discussions this week relating to the following topics:

- Interrogatories: Capital One and the Postal Service discussed follow-up interrogatories and interrogatories directed to Michael Plunkett.
- Electronic discovery: Capital One and the Postal Service discussed various approaches to sorting through the 1900 documents identified in the electronic search to identify privileged documents or portions of documents. We also discussed how to minimize the Postal Service's work in preparing a privilege log for these documents.
- Privilege logs: Capital One identified specific documents and indicated that it needed more information to determine whether privileges were appropriately taken in the partial privilege log of Ms. Lowrance's emails. We have not resolved this issue.

- Protective conditions: Capital One and the Postal Service developed a proposal regarding protective conditions which is being reviewed.

Capital One and the Postal Service have scheduled a conference call for Monday, October 20, 2008, to continue their discussions.

Respectfully submitted,

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