

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

Complaint of GameFly, Inc.

Docket No. C2009-1

PRESIDING OFFICER'S RULING  
GRANTING EXTENSION OF TIME

(Issued September 4, 2009)

GameFly, Inc. (GameFly) requests a one month extension of the cutoff date for discovery on the Postal Service until October 5, 2009, and of the filing date for GameFly's case-in-chief until November 2, 2009.<sup>1</sup> Initially the due dates were September 3, 2009 and October 1, 2009, respectively.<sup>2</sup> In support, GameFly indicates, among other things, that the Postal Service's responses to the discovery requests "have been incomplete, and obtaining possession of the responses has been slow." Motion at 2. It also explains it encountered unanticipated delays and notes other areas of disagreement in discovery between the parties, that have impeded the timely preparation of GameFly's case in-chief. *Id.* at 3-5.

The Postal Service does not oppose the requested extension, and the relief requested would not appear to be prejudicial to any party. As the motion provides adequate indications that the parties are actively moving to complete discovery, the Motion is granted. The parties are encouraged to continue to work together to resolve discovery issues promptly so that unnecessary delay can be avoided.

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<sup>1</sup> Motion of GameFly, Inc, to Extend Procedural Schedule, September 2, 2009 (Motion).

<sup>2</sup> Presiding Officer's Ruling C2009-1/1, July 30, 2009.

RULING

1. The Motion to Extend Procedural Schedule, filed September 1, 2009, is granted.
2. The cutoff date for discovery on the Postal Service is October 5, 2009.
3. The filing date for GameFly's case-in-chief is November 2, 2009.

Dan G. Blair  
Presiding Officer