

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

COMPLAINT OF GAMEFLY, INC.                    )  
  )  
  )                   Docket No. C2009-1

**MOTION OF THE UNITED STATES POSTAL SERVICE FOR LEAVE TO  
REPLY TO ANSWER OF GAMEFLY INC. TO MOTION OF USPS TO COMPEL  
ANSWERS TO DISCOVERY REQUESTS USPS/GFL-5, 8, 16, 26, 28, 38, 39,  
46, 49-51, 52(e), 54 AND 60  
(June 7, 2010)**

Pursuant to Postal Regulatory Commission Rule 3001.21(b), the United States Postal Service (“Postal Service”) respectfully requests that the Presiding Officer grant this Motion and permit the Postal Service to file its Reply. Rule 21(b) provides the Presiding Officer with discretion to accept this type of pleading. In its answer, GameFly has made new representations and limited offers to answer interrogatories, including an unacceptable and unsubstantiated contention that it can limit its production of responsive documents to certain GameFly employees, while omitting at least two of the three highest level GameFly executives. Accordingly, to best serve the Presiding Officer’s interest in a complete record, as well as the Postal Service’s interest in fairness, the Postal Service should be permitted to respond to GameFly’s answer.

As noted in the Reply itself, the Reply is necessary to clarify what evidentiary record actually has been established at this point. The Reply also serves as the Postal Service’s response to the progressive evolution of GameFly’s complaint, insofar as it affects discovery; GameFly’s new offers and

representations of fact; and its attempts to limit discovery by excluding officers and employees who would otherwise be subject to inquiry.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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