

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

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

**FIRST DISCOVERY REQUESTS OF GAMEFLY, INC.,
TO THE UNITED STATES POSTAL SERVICE WITNESS
NICHOLAS F. BARRANCA
(GFL/USPS-T1-1-11)**

Pursuant to Rules 25 through 27 of the Rules of Practice and Procedure of the Postal Regulatory Commission, GameFly, Inc., respectfully submits the following discovery requests to USPS witness Nicholas F. Barranca.

Respectfully submitted,

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August 16, 2010

INSTRUCTIONS AND DEFINITIONS

1. GameFly incorporates by reference the instructions and definitions set forth in its first discovery requests to the Postal Service, dated July 31, 2009.

2. These questions are directed to both the witness and the Postal Service, and call for all responsive information in the possession, custody or control of either the witness or the Postal Service.

3. If particular documents responsive to a request have already been produced to or by GameFly, it is sufficient to identify those documents by title and date (for pleadings) or by GFL Bates number (for documents produced by the Postal Service in discovery).

QUESTIONS

GFL/USPS-T1-1. Please produce copies of all documents that you received in connection with your work in this case.

GFL/USPS-T1-2. Please produce copies of all documents that you reviewed in connection with your work in this case.

GFL/USPS-T1-3. Please describe in any detail any oral information you received from the Postal Service in connection with your testimony in this case.

GFL/USPS-T1-4. Please produce your contract and any other instructions or other documents concerning the scope of your testimony in this case. If your instructions were entirely oral, please describe them.

GFL/USPS-T1-5. When were you asked to become a witness in this case?

GFL/USPS-T1-6. Before you were asked to become a witness in this case, did you discuss any of the following subjects with any employee or agent of the Postal Service? If so, please identify the individuals and state the date, location and substance of each discussion.

- (a) GameFly.
- (b) Netflix.
- (c) Blockbuster.
- (d) The processing of DVD mailers.
- (e) Rates or classifications for DVD mailers.
- (f) Causes of or remedies for DVD breakage.
- (g) Similarities or differences between GameFly and Netflix.

GFL/USPS-T1-7. Before you were asked to become a witness in this case, did you send or receive any emails or other documents to or from any employee or agent of the Postal Service concerning any of the following subjects? If so, please produce the documents.

- (a) GameFly.
- (b) Netflix.

- (c) Blockbuster.
- (d) The processing of DVD mailers.
- (e) Rates or classifications for DVD mailers.
- (f) Causes of or remedies for DVD breakage.
- (g) Similarities or differences between GameFly and Netflix.

GFL/USPS-T1-8. Have you ever had a discussion with any employee or agent of GameFly about its mail or business? If so, please identify the individuals and state the date, location and substance of the discussion.

GFL/USPS-T1-9. Have you ever had a discussion with any employee or agent of Netflix about its mail or business? If so, please identify the individuals and state the date, location and substance of the discussion.

GFL/USPS-T1-10. Have you ever had a discussion with any employee or agent of Blockbuster about its mail or business? If so, please identify the individuals and state the date, location and substance of the discussion.

GFL/USPS-T1-11. Please produce all written communications between you and any employee or agent of Netflix concerning any of the following matters:

- (a) The rates, classifications, mail preparation requirements, or standards for processing offered by the Postal Service to Netflix.

(b) Any rate or service arrangement (whether formal or informal) established by the Postal Service for Netflix.

(c) The terms of service established by the Postal Service for the DVD mail of Netflix.

(d) The Postal Service's actual performance in processing and delivering DVDs to or from Netflix.

(e) The breakage or loss of DVDs sent to or from Netflix.

GFL/USPS-T1-12. Please produce all written communications between you and any employee or agent of Blockbuster concerning any of the following matters:

(a) The rates, classifications, mail preparation requirements, or standards for processing offered by the Postal Service to Blockbuster.

(b) Any rate or service arrangement (whether formal or informal) established by the Postal Service for Blockbuster.

(c) The terms of service established by the Postal Service for the DVD mail of Blockbuster.

(d) The Postal Service's actual performance in processing and delivering DVDs to or from Blockbuster.

(e) The breakage or loss of DVDs sent to or from Blockbuster.