

PRESIDING OFFICER'S
RULING NO. C2009-1/34

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

Complaint of GameFly, Inc.

Docket No. C2009-1

PRESIDING OFFICER'S RULING
SHORTENING TIME FOR RESPONSES

(Issued August 26, 2010)

On August 25, 2010, GameFly, Inc. (GameFly) filed a motion to compel the Postal Service to answer certain discovery requests or, alternatively, to strike the testimony of Postal Service witness Robert Lundahl (USPS-T-4).¹

Hearings for the Postal Service's rebuttal case are scheduled to begin on September 1, 2010. Under the Commission's rules of practice, the response to the Motion is due on September 1, 2010, unless another time is fixed. 39 CFR 3001.21(b). The Postal Service, or any interested party, should file in response to the Motion by August 31, 2010. Hearings will proceed on schedule.

Counsel should be prepared to orally elaborate on their pleadings and respond to questions from the bench before the appearance of witness Lundahl, who is currently scheduled to appear last.²

¹ Motion of GameFly, Inc., to Compel the Postal Service to Answer GameFly Discovery Requests or, in the Alternative, to Strike Testimony of USPS Witness Robert Lundahl (USPS-T-4), August 25, 2010 (Motion).

² If answers to some of the requests are already satisfied in part, such that GameFly merely seeks further relief as to other portions of the request, GameFly should be prepared to fully cross-examine on all information that the Postal Service has provided in its responses.

RULING

Answers to the Motion of GameFly, Inc., to Compel the Postal Service to Answer GameFly Discovery Requests or, in the Alternative, to Strike Testimony of USPS Witness Robert Lundahl (USPS-T-4) are due August 31, 2010.

Dan G. Blair
Presiding Officer