

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

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

**OBJECTIONS OF THE UNITED STATES POSTAL SERVICE TO
DISCOVERY REQUESTS OF GAMEFLY, INC.
(GFL/USPS-T2-22-25)
(August 26, 2010)**

On August 16, 2010, GameFly, Inc. submitted eight discovery requests, with subparts, to Postal Service witness Larry J. Belair. Pursuant to 39 U.S.C. §§ 3001.26(c) and 3001.27(c), the Postal Service provides objections to discovery requests GFL/USPS-T2-22-25, reproduced below.

GFL/USPS-T2-22. In USPS-T-2 at 21-22, you summarize one or more conversations with other individuals in Fort Lauderdale.

(a) For each such conversation, please identify the individuals who participated in or heard it, the date, the location(s) of the participants, and the substance of the conversation.

(b) For each such conversation, please produce all notes of the conversation, whether written or electronic.

GFL/USPS-T2-23. Please produce all written communications, and provide a detailed description of all oral communications, between you and anyone else at the Postal Service concerning the methods of handling DVD mailers at the Fort Lauderdale plant referenced in USPS-T-2 at 20-22.

GFL/USPS-T2-24. Please produce all written communications, and provide a detailed description of all oral communications, between you and anyone else at the Postal Service concerning the selection of the Fort Lauderdale plant as the sole plant to discuss in USPS-T-2 at 20-22.

GFL/USPS-T2-25. Prior to the submission of your testimony, did the Postal Service consider reporting on DVD mail processing at any plant other than the Fort Lauderdale plant? If so, please:

(a) Identify the other facility or facilities that were considered.

(b) Please produce all written documents relating to, reflecting or arising from the Postal Service's consideration of the other facility or facilities for coverage in your testimony.

(c) Provide a detailed description of all oral communications between you and anyone else at the Postal Service relating to, reflecting or arising from the Postal Service's consideration of the other facility or facilities for coverage in your testimony.

(d) Please produce all studies, reports, analyses, guidelines, handbooks, SOPs and similar documents (whether or not the [sic] have been produced to you until now) concerning the methods of handling DVD mailers at the facilities identified in response to part (a).

The Postal Service objects to the above discovery requests on the grounds of privilege. The attorney-client privilege and the work product doctrine protect communications responsive to these discovery requests where Postal Service counsel discussed legal advice or strategy with the witness, and where the witness initiated internal discussions and created documents at counsel's direction. The privileged documents and internal communications were created and initiated in preparation of the witness' testimony in this litigation. The witness will respond to the discovery requests to the extent that nonprivileged, responsive communications or documents exist.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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