

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

COMPLAINT OF GAMEFLY, INC.

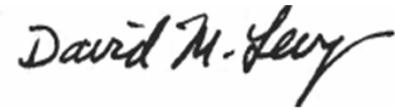
)
)
)

Docket No. C2009-1R

**RESPONSE OF GAMEFLY, INC., TO
MAY 17 MOTION OF UNITED STATES POSTAL SERVICE
FOR LEAVE TO FILE REPLY
(MAY 20, 2013)**

GameFly, Inc. ("GameFly") respectfully submits this response to the May 17 motion of the Postal Service for leave to file a reply to GameFly's May 13 "Response to Commission Order No. 1700, Report of Settlement Coordinator, and USPS Letter and Notice of Filing." GameFly will not oppose the filing of the Postal Service's proposed reply, and will not burden the record by responding again to the Postal Service's arguments, all of which were anticipated and answered by GameFly's pleadings in March and earlier this month. The Postal Service has retreated into an alternative reality in which Order No. 718 and its findings on discrimination never happened; the Court of Appeals' January 2013 decision and its findings on remedies never happened; and the record may be reopened and relitigated as if four years of litigation and a final agency decision never happened. The Court of Appeals, however, has directed the Commission to prescribe an effective remedy, and GameFly continues to suffer irreparable injury until the Commission does so. It is time for the Commission to put a stop to the Postal Service's strategy of delay, act on the Court's remand, and enforce the law.

Respectfully submitted,

A handwritten signature in black ink that reads "David M. Levy". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

David M. Levy
Matthew D. Field
VENABLE LLP
575 7th Street, N.W.
Washington, DC 20004
(202) 344-4732

Counsel for GameFly, Inc.

May 20, 2013