FILED
U.S. DISTRICT COURT
DISTRICT OF KANSAS
APR 14 1 31 PM '00
RALPH L. DELOACH
CLERK
BY [signature] DEPUTY
AT WICHITA, KS.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 99-1180-JTM
	)	
AMR CORPORATION, et al.,	)	
	)	
Defendants.	)	
	)	

REVISED SCHEDULING ORDER

Following the submission of proposed pretrial schedules by counsel and discussions with counsel in a telephone status conference on April 3, 2000, the Court hereby enters its Revised Scheduling Order.

1. **Fact Discovery**

All fact discovery shall be completed by **August 31, 2000**.

A. Interrogatories: **Sixty (60)** interrogatories may be served by each side upon the other side, unless a side receives leave of court to submit additional interrogatories. All interrogatories must be served by **May 30, 2000.** All responses and objections to interrogatories shall be served no later than thirty (30) days after service and before **June 30, 2000.**

AO 72A
(Rev.8/82)

206

B. Requests for Admission: Each party may serve unlimited requests for admission. Responses and objections shall be served no later than thirty (30) days after service and before **August 7, 2000.**

C. Fact Depositions

i) Each side will be permitted to take **50** fact depositions. The parties may seek leave of court to request additional depositions during the course of discovery.

ii) In the event that plaintiff seeks to depose any current or former employee of defendants from whom it has already obtained sworn testimony during the course of plaintiff's related civil investigation of defendants prior to the filing of this matter, any such deposition must be completed within four (4) hours excluding any breaks.

2. **Expert Discovery**

Expert discovery is to be completed by **December 22, 2000**, in accordance with the following requirements:

A. The expert witness disclosures and reports under Fed. R. Civ. P. 26(a)(2) shall be served by plaintiff no later than **September 18, 2000** and by defendants no later than **October 11, 2000.**

B. Depositions of plaintiff's experts may begin on **September 19, 2000** and shall be completed on or before **October 10, 2000.**

AO 72A
(Rev.8/82)

C. Depositions of defendants' experts may begin on **October 12, 2000** and shall be completed on or before **November 2, 2000.**

D. All "supplemental, amended or revised" versions of the expert reports previously served, including any response or rebuttal to the other party's initial expert reports, shall be served no later than **November 16, 2000.**

E. All "final versions" of the expert reports previously served shall be served no later than **December 4, 2000.**

F. Depositions of experts pursuant to Rule 26(b)(4) regarding final reports may commence on **December 5, 2000**, with such depositions to conclude by **December 22, 2000**.

3. <u>Witness and Exhibit Lists</u>

A. Preliminary lists of witnesses and exhibits shall be served no later than **June 30, 2000.**

B. Final lists of witnesses and exhibits under Fed. R. Civ. P. 26(a)(3) shall be served no later than **July 31, 2000.**

C. A witness named in the final list of witnesses and exhibits, who has not already been deposed, may be deposed by the opposing side, but any such deposition must be completed no later than **August 31, 2000.**

AO 72A
(Rev.8/82)

D. If an exhibit is listed by one side for the first time in the final list of witnesses and exhibits and requires the deposition of someone who has not already been deposed, such person may be deposed by the opposing side. Any such deposition must be completed no later than **August 31, 2000.**

4. **Other Items**

A. Pretrial Conference

A final pretrial conference is scheduled for **January 19, 2001 at 9:00 a.m.** in the United States Magistrate Judge's courtroom, 326 U. S. Courthouse, 401 North Market, Wichita, Kansas. Counsel shall appear in person unless an agreed pretrial order is submitted no later than 48 hours in advance of the scheduled conference. Counsel shall also provide the court with a 3.5" disk containing the proposed pretrial order in either MS Word or WordPerfect format.

A copy of the pretrial order format to be followed and executed in writing, after consultation with opposing counsel and prior to appearing at the pretrial conference, is attached hereto. The parties shall submit a proposed pretrial order to the United States Magistrate Judge in that form on or before **January 12, 2001**. The proposed order shall be a merged document with any areas of disagreement differentiated.

B. Pursuant to Fed. R. Civ. P. 26(e), the parties will supplement their discovery responses at reasonable intervals throughout discovery.

AO 72A
(Rev.8/82)

C. Dispositive Motions:

i) All potentially dispositive motions shall be served no later than **January 8, 2001.** All pleadings relating to dispositive motions shall be served by overnight delivery.

ii) All responses to such motions shall be served no later than **February 2, 2001.**

iii) All replies to these motions shall be served no later than **February 19, 2001.**

D. All in limine motions and proposed findings of fact and conclusions of law are to be filed on or before **April 30, 2001,** and an in limine conference is set for **May 9, 2001 at 2:30 p.m.** with the Hon. J. Thomas Marten.

E. Trial to the court shall begin on **May 22, 2001 at 9:00 a.m.** before the Hon. J. Thomas Marten in Wichita, Kansas.

F. The parties shall simultaneously submit position papers on the legal and factual issues relevant to plaintiff's predatory pricing theory. The respective positions papers shall be limited to **fifteen (15) pages** and submitted to Judge Humphreys' chambers on or before **May 4, 2000.**

AO 72A
(Rev.8/82)

G. The parties shall exchange the names of three acceptable mediators with resumes on or before **May 1, 2000**. The parties shall confer on the names and submit their recommendations to the court on or before **May 15, 2000**.

IT IS SO ORDERED.

Dated at Wichita, Kansas this 13th day of April 2000.

Karen M. Humphreys

KAREN M. HUMPHREYS
UNITED STATES MAGISTRATE JUDGE

AO 72A
(Rev.8/82)