

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

COMPLAINT OF CAPITAL ONE  
SERVICES, INC.

Docket No. C2008-3

**SECOND WEEKLY STATUS REPORT**  
**OF CAPITAL ONE SERVICES, INC. ON INFORMAL DISCUSSIONS**  
**WITH THE POSTAL SERVICE CONCERNING DISCOVERY ISSUES**

(October 10, 2008)

Pursuant to Presiding Officer's Ruling Granting Extension of Time to File Responses, C2008-3/26 (September 26, 2008), Capital One Services, Inc. (Capital One) submits this report on the status of its informal discussions with the Postal Service concerning discovery issues for the week of October 6, 2008.

Capital One and the Postal Service had discussions this week relating to the following topics:

- Interrogatories directed to Michael Plunkett: Capital One described the lines of inquiry it intends to pursue in written discovery for Mr. Plunkett. The Postal Service indicated that certain interrogatories could be narrowed or should be addressed to the institution rather than Mr. Plunkett.
- Electronic discovery: The Postal Service reported the numerical results of its search of emails of key employees based upon certain search terms.
- Privilege logs: Capital One and the Postal Service discussed how to most efficiently compile privilege logs of (1) the emails identified in the electronic search, and (2) Ms. Lowrance's emails (under P. O. Ruling C2008-3/3).

- Protective conditions: Capital One and the Postal Service also discussed what protective conditions are necessary for documents that are commercially sensitive but not privileged.

Discussions are continuing. Because this is the first significant document production of the Postal Service under the PAEA, Capital One and the Postal Service are seeking to develop workable procedures that meet the Complainant's discovery needs but do not place an undue burden the Postal Service.

Respectfully submitted,

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