IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA, Plaintiff, v. AMR CORPORATION, AMERICAN AIRLINES, INC, and AMERICAN EAGLE HOLDING CORPORATION, Defendants.	))))))))))))))	Civil Action No. 99-1180-JTM

UNITED STATES OPPOSITION TO DEFENDANTS' MOTION
TO COMPEL DOCUMENTS RESPONSIVE TO AMERICAN'S
FIRST AND SECOND OF DOCUMENT REQUESTS

Plaintiff United States opposes the motion of defendants AMR Corporation, American Airlines, Inc. and AMR Eagle Holding Corporation ("defendants" or "American") for an order compelling the production of documents responsive to Defendants' First and Second Set of Document Requests. The United States responds as follows, in conjunction with its accompanying Memorandum of Law.

American's motions seeks nothing less than an order from this court requiring the United States to violate *not only* the federal statute that establishes the process by which the Department of Justice's Antitrust Division ("the Division") obtains and uses information in the course of its law enforcement investigations into suspected anticompetitive conduct, *but also* to divulge to American confidential materials that Plaintiff obtained in connection with its on-going investigation of other air carriers in hubs

other than DFW, the only hub at issue in this case. As if that were not enough, American also asks this Court to require Plaintiff to violate an Order entered by the United States District Court for the Eastern District of Michigan.

The United States has produced all the documents it is permitted to produce consistent with Antitrust Civil Process Act, 15 U.S.C. §1313(c). Any potentially responsive documents the United States has not produced are restricted from disclosure under 15 U.S.C. §1313(c) or the protective order entered in *United States v. Northwest Airlines Corp. and Continental Airlines, Inc.*, or are protected under the law enforcement investigatory files privilege. American's motion should be denied because the United States is not required to violate a federal statute and an Order of another District Court when it has produced to American all of the responsive, non-privileged documents it is legally empowered to disclose.

Dated this 14th day of March, 2000.

Respectfully submitted,
Plaintiff United States

"/s/"

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