

Schenkenberg, Philip

From: scott@swierlaw.com
Sent: Friday, October 14, 2011 2:24 PM
To: Schenkenberg, Philip; Joseph, Claire; tw@gpnlaw.com
Subject: SDPUC TC 09-098 -- NON-PARTY DISCOVERY DOCUMENTS REGARDING NAT

Dear Phil, Claire, and Tal:

Below please find my understanding of the outstanding discovery issues in this matter:

1. On October 6, 2011, I signed an "Admission of Service" on behalf of Native American Telecom, LLC ("NAT"). Pursuant to this "Admission of Service," NAT was served with Sprint's (a) Notice of Request for Documents from the Custodian of Records of Native American Telecom, LLC; (b) Subpoena Duces Tecum for Native American Telecom, LLC; and (c) Notice of Taking Deposition of Native American Telecom, LLC (noticing a 30(b)(6) deposition of NAT on November 2, 2011).

First, as we have discussed, I believe Sprint's discovery requests to NAT (a non-party) are (at a minimum) unduly burdensome, oppressive, and unlikely to lead to the discovery of admissible evidence. As such, unless an agreement can be reached, it is NAT's intention to file a motion to quash all of these discovery requests. Therefore, just to provide sufficient notice and avoid any confusion, NAT **will not be producing** any 30(b)(6) witnesses on November 2, 2011, in Long Beach, California, without an order from the commission or court.

Second, (because the SDPUC's jurisdiction is limited only to *intrastate* activities) if the parties can agree on limiting the scope of Sprint's discovery requests, I would presume that only information relating to NAT's "*intrastate*" activities would be desired by Sprint. Is this correct? (If not, please provide me with any authority and/or orders from the commission that would encompass the discovery of any interstate activities).

I hope we can continue to work towards an amicable resolution of these discovery issues absent commission or court intervention.

Please advise at your earliest convenience.

Thanks.

Scott

Scott R. Swier

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