

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

STATE OF NEW YORK *ex. rel.*  
Attorney General ELIOT SPITZER, *et al.*,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1233 (CKK)

Next Court Deadline: March 4, 2002  
Status Conference

**MICROSOFT'S REPLY TO AOL'S  
RESPONSE ON BRIEFING SCHEDULE**

AOL's response, filed earlier this afternoon, regarding the briefing schedule on Microsoft's motion to compel is replete with falsehoods and ignores the urgency of Microsoft's motion.

Counsel for Microsoft will not dignify the misrepresentations in AOL's response with any reply unless and until the Court indicates a desire to receive such a reply. The important matter now is the Court's entry of a briefing schedule enabling prompt determination of Microsoft's motion to compel.

Because the deposition of AOL's John Borthwick is currently scheduled for February 6, 2002, AOL's proposed schedule is not sufficiently expedited. The issues raised by Microsoft's motion to compel need to be resolved as soon as possible given the compressed discovery schedule in this action. AOL should be required to file its opposition by Monday, January 28, at 5:00 p.m. and Microsoft its reply by Tuesday, January 29, at 3:00 p.m.

Proceeding on the more leisurely schedule proposed by AOL would mean that AOL's eventual

production of the documents to which Microsoft is entitled would come too late for Microsoft to make any use of those documents in Mr. Borthwick's deposition.

Dated: Washington, D.C.  
January 24, 2002

Respectfully submitted,

William H. Neukom  
Thomas W. Burt  
David A. Heiner, Jr.  
Diane D'Arcangelo  
Christopher J. Meyers  
MICROSOFT CORPORATION  
One Microsoft Way  
Redmond, Washington 98052  
(425) 936-8080

Dan K. Webb  
Bruce R. Braun  
WINSTON & STRAWN  
35 West Wacker Drive  
Chicago, Illinois 60601  
(312) 558-5600

Charles F. Rule (Bar No. 370818)  
FRIED, FRANK, HARRIS, SHRIVER  
& JACOBSON  
1001 Pennsylvania Avenue, N.W.  
Suite 800  
Washington, D.C. 20004  
(202) 639-7300

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John L. Warden (Bar No. 222083)  
Richard J. Urowsky  
Steven L. Holley  
Michael Lacovara  
Richard C. Pepperman, II  
Stephanie G. Wheeler  
Ronald J. Colombo  
SULLIVAN & CROMWELL  
125 Broad Street  
New York, New York 10004  
(212) 558-4000

Bradley P. Smith (Bar No. 468060)  
SULLIVAN & CROMWELL  
1701 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
(202) 956-7500

*Counsel for Defendant  
Microsoft Corporation*