IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

Civil Action No. 1:23-cv-10511-WGY

JETBLUE AIRWAYS CORPORATION and SPIRIT AIRLINES, INC.,

Defendants.

PLAINTIFFS' MOTION IN LIMINE REGARDING PURPORTED OUT-OF-MARKET BENEFITS

Pursuant to Federal Rules of Evidence 401 and 402, the United States of America, the State of California, the District of Columbia, the State of Maryland, the Commonwealth of Massachusetts, the State of New Jersey, the State of New York, and the State of North Carolina (collectively, "Plaintiffs"), respectfully move this Court for an order precluding Defendants from introducing evidence of purported benefits resulting from JetBlue's acquisition of Spirit in markets where Plaintiffs have not alleged harm. The grounds for this motion are fully set forth in the accompanying memorandum of law. Dated: September 11, 2023

Respectfully submitted,

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Attorneys for the United States of America, the Commonwealth of Massachusetts, and the District of Columbia, and on behalf of all Plaintiffs

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), I hereby certify that Plaintiffs conferred with counsel for Defendants in a good-faith effort to resolve or narrow the issues presented in this motion prior to filing. Defendants confirmed that they oppose the motion.

/s/ Edward W. Duffy Edward W. Duffy U.S. Department of Justice, Antitrust Division 450 Fifth Street, NW, Suite 8000 Washington, DC 20530 Phone: 202-812-4723 Facsimile: 202-307-5802 E-mail: edward.duffy@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing.

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