UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, et al., Plaintiffs, v. AMERICAN EXPRESS CO., et al., Defendants.	Civil Action No.: 1:10-CV-04496-NGG-RER

NOTICE OF MOTION IN LIMINE TO EXCLUDE
DR. GEORGE HAY'S AND DR. B. DOUGLAS BERNHEIM'S
UNRELIABLE MARKET DEFINITION ANALYSIS

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of Plaintiffs' Motion in Limine to Exclude Dr. George Hay's and Dr. B. Douglas Bernheim's Unreliable Market Definition Analysis, dated March 26, 2014, the accompanying Declaration of Joseph P. Vardner, dated March 26, 2014, with accompanying exhibits, and all the pleadings and papers filed with respect thereto, Plaintiffs the United States of America, the State of Arizona, the State of Connecticut, the State of Idaho, the State of Illinois, the State of Iowa, the State of Maryland, the State of Michigan, the State of Missouri, the State of Montana, the State of Nebraska, the State of New Hampshire, the State of Ohio, the State of Rhode Island, the State of Tennessee, the State of Texas, the State of Utah, and the State of Vermont hereby move this Court, before the Honorable Nicholas G. Garaufis, at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, 11201, for an order pursuant to Federal Rule of Evidence 702 and Rule of Evidence 402 excluding Dr. George Hay's and Dr. B. Douglas Bernheim's market definition analysis from trial.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

Dated: March 26, 2014

Respectfully submitted,

U.S. DEPARTMENT OF JUSTICE

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VIA ECF AND ELECTRONIC MAIL

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[PROPOSED] ORDER EXCLUDING CERTAIN EXPERT OPINIONS ON THE RELEVANT MARKET

WHEREAS, the Court has considered the Memorandum of Law in Support of Plaintiffs' Motion in Limine to Exclude Dr. George Hay's and Dr. B. Douglas Bernheim's Unreliable Market Definition Analysis, dated March 26, 2014, the accompanying Declaration of Joseph P. Vardner, dated March 26, 2014, with accompanying exhibits, and all the pleadings and papers filed with respect thereto; and good cause has otherwise been shown;

IT IS HEREBY ORDERED that Plaintiffs' Motion in Limine to Exclude Dr. George Hay's and Dr. B. Douglas Bernheim's Unreliable Market Definition Analysis is GRANTED in its entirety; and

IT IS HEREBY FURTHER ORDERED that Defendants' experts Dr. George Hay or Dr. B. Douglas Bernheim shall be precluded from offering at trial the opinion that the relevant market includes debit.

SO ORDERED:

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HON. NICHOLAS G. GARAUFIS
UNITED STATES DISTRICT JUDGE

Dated: Brooklyn, N.Y.

_____, 2014