

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, et al.,

*Plaintiffs,*

v.

JETBLUE AIRWAYS CORPORATION and  
SPIRIT AIRLINES, INC.,

*Defendants.*

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

**DEFENDANTS' MOTION *IN LIMINE* TO  
EXCLUDE OPINIONS OF DR. TASNEEM CHIPTY**

Defendants JetBlue Airways Corporation and Spirit Airlines, Inc., by their attorneys, respectfully move *in limine* pursuant to Federal Rule of Evidence 702 to exclude opinions of Plaintiffs' expert, Dr. Tasneem Chipty, regarding alleged competitive harm that are irrelevant, unreliable, and cumulative. For the reasons articulated in Defendants' Memorandum of Law in Support of Their Motion *in Limine* to Exclude Opinions of Dr. Tasneem Chipty, and the Declaration of Elizabeth M. Wright, dated September 11, 2023, which have been filed contemporaneously herewith, Dr. Chipty's opinions regarding alleged competitive harm should be excluded as they constitute nothing more than reading and rehashing Defendants' business documents, and are not permissible expert opinion testimony under Rule 702.

Dated: September 11, 2023

Respectfully submitted,

/s/ Elizabeth M. Wright

Zachary R. Hafer (MA BBO #569389)

Elizabeth M. Wright (MA BBO #569387)

Cooley LLP

500 Boylston Street, 14th Floor

Boston, MA 02116-3736

Tel: 617-937-2300  
ewright@cooley.com  
zhafer@cooley.com

Ethan Glass (*Pro Hac Vice*)  
Deepti Bansal (*Pro Hac Vice*)  
Matt K. Nguyen (*Pro Hac Vice*)  
Cooley LLP  
1299 Pennsylvania Avenue NW, Suite 700  
Washington, DC 2004-2400  
Tel: 202-842-7800  
Fax: 202-842-7899  
eglass@cooley.com  
dbansal@cooley.com  
mnguyen@cooley.com

Jessica K. Delbaum  
Leila R. Siddiky  
Richard F. Schwed  
Shearman & Sterling LLP  
599 Lexington Avenue  
New York, NY 10022  
(212) 848-4000  
jessica.delbaum@shearman.com  
leila.siddiky@shearman.com  
richard.schwed@shearman.com

Michael Mitchell  
Shearman & Sterling LLP  
401 9th St. NW  
Suite 800  
Washington, DC 20004  
(202) 508-8000  
michael.mitchell@shearman.com

Rachel Mossman Zieminski  
Shearman & Sterling LLP  
2601 Olive St, 17th Floor  
Dallas, TX 75201  
(214) 271-5777  
Rachel.Zieminski@Shearman.com

Ryan A. Shores  
Daniel P. Culley  
David I Gelfand  
Cleary Gottlieb Steen & Hamilton LLP

2112 Pennsylvania Avenue, NW  
Washington, DC 20037  
(202) 974-1876  
Fax: (202) 974-1999  
rshores@cgsh.com  
dculley@cgsh.com  
dgelfand@cgsh.com

*Attorneys for JetBlue Airways Corporation*

/s/ Samuel N. Rudman  
Samuel N. Rudman (MA BBO #698018)  
Choate, Hall & Stewart LLP  
Two International Place  
Boston, MA 02110  
Telephone: +1 617 248 4034  
srudman@choate.com

/s/ Andrew C. Finch  
Andrew C. Finch (*Pro Hac Vice*)  
Eytayo St. Matthew-Daniel (*Pro Hac Vice*)  
Jay Cohen (*Pro Hac Vice*)  
Jared P. Nagley (*Pro Hac Vice*)  
Kate Wald (*Pro Hac Vice*)  
Paul, Weiss, Rifkind, Wharton & Garrison  
LLP  
1285 Avenue of the Americas  
New York, NY 10019  
Tel: 212-373-3000  
Fax: 212-757-3990  
afinch@paulweiss.com  
tstmatthewdaniel@paulweiss.com  
jcohen@paulweiss.com  
jnagley@paulweiss.com  
kwald@paulweiss.com

Meredith R. Dearborn (*Pro Hac Vice*)  
Paul, Weiss, Rifkind, Wharton & Garrison  
LLP  
535 Mission Street, 24th Floor  
San Francisco, CA 94105  
Tel: 628-432-5100  
Fax: 628-232-3101  
mdearborn@paulweiss.com

*Attorneys for Defendant Spirit Airlines, Inc.*

**L.R. 7.1 CERTIFICATE OF CONFERENCE**

I, Elizabeth M. Wright, hereby certify that pursuant to Local Rule 7.1, counsel for Defendants conferred in good faith with counsel for Department of Justice before filing this Motion to resolve or narrow the issues but were unsuccessful in reaching a resolution to avoid this Motion.

*/s/ Elizabeth M. Wright*  
Elizabeth M. Wright

**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed through the ECF system on September 11, 2023, and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

*/s/ Elizabeth M. Wright*  
Elizabeth M. Wright