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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

INTERCONTINENTAL
EXCHANGE, INC.

and

BLACK KNIGHT, INC.,

Defendants.

Case No. 3:23-cv-01710-AMO

JOINT STIPULATION RE AMENDED
BRIEFING SCHEDULE AND
~~PROPOSED~~ ORDER

1 Pursuant to Civil Local Rules 6-2(a) and 7-12, Plaintiff Federal Trade Commission and
2 Defendants Intercontinental Exchange, Inc. and Black Knight, Inc. (collectively, the “Parties”)
3 hereby stipulate as follows:

4 WHEREAS, on July 17, 2023, the Court granted the Parties’ Joint Motion to Continue
5 the Evidentiary Hearing Regarding Plaintiff’s Motion for a Preliminary Injunction (Dkt. 269),
6 and rescheduled the pre-hearing conference, and hearings for Plaintiff’s Motion to Strike and
7 Motion in Limine, to August 9, 2023, and the evidentiary hearing to August 14-16, 2023 (Dkt.
8 270);

9 WHEREAS, later on July 17, 2023, the Court issued an order directing the Parties to
10 meet and confer and submit a proposed schedule for the Parties to submit revised pre-hearing
11 submissions by July 19, 2023, at 12 p.m. Pacific Time (Dkt. 271);

12 WHEREAS, on July 19, 2023, the Parties submitted a proposed revised scheduling order
13 for pre-hearing submissions (Dkt. 276);

14 WHEREAS the Parties’ proposed revised scheduling order called for submission of
15 simultaneous opening briefs on August 3, 2023, and submission of simultaneous response briefs
16 on August 7, 2023 (Dkt. 276);

17 WHEREAS, on July 20, 2023, the Court entered a revised scheduling order as amended
18 governing pre-hearing submissions (Dkt. 278) (the “Revised Scheduling Order”);

19 WHEREAS, the Revised Scheduling Order granted the parties’ proposed deadlines for
20 simultaneous submissions on August 3, 2023 and August 7, 2023, but amended the proposed
21 order submitted by the Parties to, *inter alia*, grant the Parties additional pages for briefing to
22 enable the Court “to review consolidated materials which fully include arguments as the facts
23 now stand” (Dkt. 278);

24 WHEREAS, given developments in the case, the Parties request additional time to submit
25 their simultaneous opening briefs that are currently due on August 3, 2023;

1 WHEREAS, aside from the Joint Motion to Continue the Evidentiary Hearing Regarding
2 Plaintiff’s Motion for a Preliminary Injunction (Dkt. 269), and the Revised Scheduling Order
3 (Dkt. 278), there have been no previous modifications to deadlines in this case; and

4 WHEREAS, this stipulated extension will not affect any other existing case deadlines.

5 NOW THEREFORE, pursuant to Civil Local Rules 6-2(a) and 7-12, the Parties through
6 their respective counsel hereby stipulate as follows:

- 7 1. The Parties’ deadline to file simultaneous 25-page briefs regarding the motion for
8 preliminary injunction including discussion of the impact of the proposed Optimal
9 Blue Transaction shall be extended to August 7, 2023 **by 3:00PM PST**; and
- 10 2. The Parties will forgo responsive briefing of the August 7, 2023 submissions and
11 address any arguments from those submissions during the evidentiary hearing and in
12 the Parties’ post-hearing proposed Findings of Fact and Conclusions of Law.

13 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

14
15 Dated: August 2, 2023

Respectfully submitted,

16
17 SUSMAN GODFREY L.L.P.

FEDERAL TRADE COMMISSION

18 By: /s/ Kalpana Srinivasan

By: /s/ Abby L. Dennis

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4 *Attorneys for Defendant*
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7 **FILER’S ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1**

8 I, Abby Dennis, am the ECF User whose ID and password are being used to file the
9 foregoing. In compliance with Civil Local Rule 5-1(h)(3), I attest that the other signatories
10 concurred in this filing, and I shall maintain records to support this concurrence for subsequent
11 production for the Court if so ordered or for inspection upon request by a party.

13 Dated: August 2, 2023

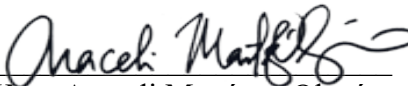
/s/ Abby L. Dennis

14 Abby L. Dennis

17 ~~PROPOSED~~ ORDER

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19 Date: August 3, 2023

20 
21 Hon. Araceli Martínez-Olgún
22 UNITED STATES DISTRICT JUDGE