

ORAL ARGUMENT SCHEDULED FOR SEPTEMBER 19, 2022

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

STATE OF NEW YORK, DISTRICT OF
COLUMBIA, STATE OF CALIFORNIA, STATE
OF COLORADO, STATE OF FLORIDA, STATE
OF IOWA, STATE OF NEBRASKA, STATE OF
NORTH CAROLINA, STATE OF OHIO, STATE
OF TENNESSEE, STATE OF ALASKA, STATE
OF ARIZONA, STATE OF ARKANSAS, STATE
OF CONNECTICUT, STATE OF DELAWARE,
TERRITORY OF GUAM, STATE OF HAWAII,
STATE OF IDAHO, STATE OF ILLINOIS,
STATE OF INDIANA, STATE OF KANSAS,
COMMONWEALTH OF KENTUCKY, STATE
OF LOUISIANA, STATE OF MAINE, STATE OF
MARYLAND, COMMONWEALTH OF
MASSACHUSETTS, STATE OF MICHIGAN,
STATE OF MINNESOTA, STATE OF
MISSISSIPPI, STATE OF MISSOURI, STATE
OF MONTANA, STATE OF NEVADA, STATE
OF NEW HAMPSHIRE, STATE OF NEW
JERSEY, STATE OF NEW MEXICO, STATE OF
NORTH DAKOTA, STATE OF OKLAHOMA,
STATE OF OREGON, COMMONWEALTH OF
PENNSYLVANIA, STATE OF RHODE ISLAND,
STATE OF TEXAS, STATE OF UTAH, STATE
OF VERMONT, COMMONWEALTH OF
VIRGINIA, STATE OF WASHINGTON, STATE
OF WEST VIRGINIA, STATE OF WISCONSIN,
AND STATE OF WYOMING,

Plaintiffs-Appellants,

v.

META PLATFORMS, INC.,

Defendant-Appellee.

No. 21-7078

APPELLANTS' MOTION TO SET ORAL ARGUMENT TIME

The appellant States¹ respectfully submit this motion to set a minimum of 25 minutes of oral argument time per side, including any time allocated to amici curiae, in the above-captioned appeal. Counsel for the appellee, Meta Platforms, Inc., has informed counsel for the appellant States that it takes no position on this motion and will not file a response.

1. Amicus curiae the United States, which is supporting the appellant States in this appeal, recently informed the appellant States that it intends to request to participate in oral argument and to request ten minutes of oral argument time.

2. Counsel for the appellant States and amicus curiae United States conferred. Given the United States' forthcoming request for argument time, we believe that allocating a minimum of 25 minutes of total oral argument time per side, which will include any time allocated to amici curiae, is necessary to permit a thorough presentation of the arguments from the parties and the United States in this complex and important case.

¹ The appellants are identified in the caption above and include 46 States, the District of Columbia, and the Territory of Guam.

3. This appeal presents a number of complex issues related to the applicability and application of the equitable doctrine of laches to sovereign States; substantive antitrust law in the novel context of digital platforms like Meta's; the availability of various forms of relief; and more. The appeal has resulted in hundreds of pages of briefing from the 48 appellant States, the appellee, and the United States and nearly 100 other amici curiae, who have filed 11 separate amicus briefs.

4. Given the United States' forthcoming request for argument time, the appellant States request a total of 25 minutes of argument time per side to ensure that both the States and the United States have sufficient argument time to address the complex issues in this case from their own perspectives, in light of their own interests. Moreover, such an allocation of time will provide the States sufficient time to address both the issues related to laches (Point I in the States' brief), which the United States has not addressed at all as amicus curiae, and the antitrust issues regarding the States' platform-based allegations (Point II in the States' brief). The appellant States believe that a minimum of 15 minutes is necessary for their arguments, which would result in a total of 25 minutes

for the appellants' side assuming the United States is granted ten minutes of argument time.

WHEREFORE the appellant States respectfully request that the Court allocate a minimum of 25 minutes of argument time per side in the above-captioned appeal.

Dated: August 23, 2022

Respectfully submitted,

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- * Appellants identified with an asterisk have authorized counsel for the State of New York to represent them in this appeal.

CERTIFICATE OF COMPLIANCE

The undersigned states that this motion complies with the typeface style requirements of Fed. R. App. P. 27(d)(1)(E) because the motion was prepared in proportionally spaced typeface using Microsoft Word 14 point Century Schoolbook type, and that this motion complies with the length requirements of Fed. R. App. P. 27(d)(2), as this motion contains 446 words, excluding the parts of the motion exempt under Fed. R. App. P. 32(f).

Dated: August 23, 2022

/s/ Philip J. Levitz
Philip J. Levitz

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of August, 2022, I filed the foregoing Appellants' Motion to Set Oral Argument Time through the Court's CM/ECF system, which will send a notice of filing to all registered CM/ECF users.

/s/ Philip J. Levitz
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