

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

-----)	
Mikal Fridman, Petr Aven, and German Khan,)	
)	
<i>Plaintiffs,</i>)	
)	Case No. 1:17-cv-02041
v.)	
)	
Bean LLC (a/k/a Fusion GPS) and Glenn)	
Simpson,)	
)	
<i>Defendants.</i>)	
-----)	

RESPONSE TO PLAINTIFFS’ MOTION FOR ORAL ARGUMENT

In a document captioned as a Motion for Oral Argument, *see* ECF No. 29, Plaintiffs have filed an improper four-page sur-reply without leave of Court in opposition to Defendants’ Motion to Dismiss the Amended Complaint for Failure to State a Claim (ECF No. 20-1).

Plaintiffs’ counsel contacted undersigned counsel on April 23, 2018 and requested his position on a request for oral argument. Ex. A. Undersigned counsel took no position on that request, recognizing that the Court would hold oral argument if and when it determined oral argument to be appropriate. *See id.* Plaintiffs’ counsel did not request undersigned counsel’s position on the filing of an argumentative pleading. Had he done so, undersigned counsel would have opposed.

Dated: May 16, 2018

Respectfully submitted,

/s/ Steven M. Salky

William W. Taylor, III (DC Bar No. 84194)

Steven M. Salky (DC Bar No. 360175)

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of May, 2018, I electronically filed and served the foregoing using the CM/ECF system.

Respectfully submitted,

/s/ Rachel F. Cotton

Rachel F. Cotton

EXHIBIT A

From: "Salky, Steven M." <Ssalky@zuckerman.com>
Date: April 24, 2018 at 3:07:17 PM EDT
To: "'Lewis, Alan S.'" <Lewis@clm.com>
Cc: "Taylor, William W." <wtaylor@zuckerman.com>, "Cotton, Rachel" <RCotton@zuckerman.com>
Subject: RE: Fridman et al v. Simpson et al

Alan: in our district, such requests are unusual (I have never seen one). Judge Leon, in my experience, will schedule an oral argument when he has time to do it. So, although I don't object to having oral argument, I guess I would take no position if you feel it necessary to file a motion.

Steve



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From: Lewis, Alan S. [<mailto:Lewis@clm.com>]
Sent: Monday, April 23, 2018 4:45 PM
To: Salky, Steven M.
Cc: Taylor, William W.; Cotton, Rachel
Subject: Fridman et al v. Simpson et al

Steve,

We intend to request oral argument of the pending motions. Do you have any objection – or may we convey your lack of objection to that request?

Best,

Alan

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