

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

BINANCE HOLDINGS LIMITED,
BAM TRADING SERVICES INC.,
BAM MANAGEMENT US HOLDINGS
INC., AND CHANGPENG ZHAO,

Defendants.

No. 1:23-cv-01599-ABJ-ZMF

Defendants' Joint Notice of Supplemental Authority

Defendants Binance Holdings Limited and Changpeng Zhao respectfully submit this joint Notice of Supplemental Authority to bring to the Court's attention the position of the United States regarding whether a stablecoin (USDC) is a security, as expressed at page 2, in the second paragraph of Section I.B, of a letter brief that the government recently filed in *United States v. Eisenberg*, ECF 145, Case No. 1:23-cr-10 (S.D.N.Y. Apr. 13, 2024). The letter brief is attached as Exhibit A.

Dated: April 25, 2024

Respectfully submitted,

/s/ Daniel W. Nelson

Daniel W. Nelson (D.C. Bar #433415)

Jason J. Mendro (D.C. Bar #482040)

Stephanie Brooker (*pro hac vice*)

M. Kendall Day (*pro hac vice*)

Amy Feagles (*pro hac vice*)

Matt Gregory (D.C. Bar #1033813)

GIBSON, DUNN & CRUTCHER LLP

1050 Connecticut Avenue, N.W.

Washington, DC 20036-5306

Tel: (202) 955-8500

Fax: (202) 467-0539

dnelson@gibsondunn.com

jmendro@gibsondunn.com

sbrooker@gibsondunn.com

kday@gibsondunn.com

afeagles@gibsondunn.com

mgregory@gibsondunn.com

*Attorneys for Defendant Binance Holdings
Limited*

/s/ Abid R. Qureshi

Abid R. Qureshi (D.C. Bar No. 459227)
William R. Baker, III (D.C. Bar No. 383944)
Eric S. Volkman (D.C. Bar No. 490999)
Michael E. Bern (D.C. Bar No. 994791)
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004
Tel: (202) 637-2200
Fax: (202) 637-2201
abid.qureshi@lw.com
william.baker@lw.com
eric.volkman@lw.com
michael.bern@lw.com

Douglas K. Yatter (*pro hac vice*)
Benjamin Naftalis (*pro hac vice*)
LATHAM & WATKINS LLP
1271 Avenue of the Americas
New York, NY 10020
Tel: (212) 906-1200
Fax: (212) 751-4864
douglas.yatter@lw.com
benjamin.naftalis@lw.com

Heather A. Waller (*pro hac vice*)
LATHAM & WATKINS LLP
330 North Wabash Avenue, Suite 2800
Chicago, IL 60611
Tel: (312) 876-7700
Fax: (312) 993-9767
heather.waller@lw.com

Melanie M. Blunski (*pro hac vice*)
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111-6538
Tel: (415) 391-0600
Fax: (415) 395-8095
melanie.blunski@lw.com

Attorneys for Defendant Changpeng Zhao