

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Commodity Futures Trading Commission,

Plaintiff,

v.

Changpeng Zhao, Binance Holdings Limited,
Binance Holdings (IE) Limited, Binance
(Services) Holdings Limited, and Samuel Lim,

Defendants.

Case No. 1:23-cv-1887

Judge Manish S. Shah

**BINANCE HOLDINGS LIMITED, BINANCE HOLDINGS (IE) LIMITED,
BINANCE (SERVICES) HOLDINGS LIMITED, CHANGPENG ZHAO, AND
SAMUEL LIM'S UNOPPOSED MOTION FOR LEAVE TO FILE EXCESS PAGES**

Pursuant to Local Rule 7.1, Defendants Binance Holdings Ltd., Binance Holdings (IE) Ltd., Binance (Services) Holdings, Ltd. (the “Foreign Binance Entities”), Changpeng Zhao, and Samuel Lim (collectively “Defendants”) respectfully move this Court for leave to file Memoranda of Law in support of their Motions to Dismiss in excess of the fifteen-page limit. In support of this Motion for Leave, Defendants state as follows:

1. On March 27, 2023, the Commodity Futures Trading Commission (“CFTC”) filed a 73-page, 236-paragraph Complaint in this Court alleging violations of the Commodity Exchange Act and certain related federal regulations. (ECF No. 1.)

2. Defendants’ response to the Complaint is due on July 27, 2023. (ECF No. 35.) The Foreign Binance Entities and Zhao intend to file a joint Motion to Dismiss the Complaint. Lim intends to file a separate Motion to Dismiss the Complaint, and join parts of the motion filed by the Foreign Binance Entities and Zhao.

3. Local Rule 7.1 states that “[n]either a brief in support of or opposition to any motion . . . shall exceed fifteen pages without prior approval of the court.”

4. Defendants endeavored to comply with the page limit of Local Rule 7.1. But given the complexity of the CFTC’s Complaint and the number of arguments Defendants anticipate making in support of their Motions to Dismiss, Defendants anticipate that their Memoranda of Law in support of the two motions will exceed the fifteen-page limits. Accordingly, Defendants respectfully request an expansion of the page limit allowed by Local Rule 7.1 up to 50 pages collectively for the two Memoranda of Law, which is 25 pages less than the combined total of 75 pages that the Defendants would be entitled to under Local Rule 7.1 if they each separately moved to dismiss the CFTC’s Complaint.

5. Defendants’ counsel has conferred with counsel for CFTC regarding this Motion. CFTC’s counsel has authorized Defendants to state that the CFTC does not oppose the requested relief.

WHEREFORE, Defendants respectfully request this Court enter an order granting this Motion and permitting Defendants to file Memoranda of Law in connection with Defendants’ Motions to Dismiss of 50 or fewer combined pages.

Dated: July 24, 2023

Respectfully submitted,

/s/ Michael Celio

Michael Celio*

Jessica Valenzuela*

GIBSON, DUNN & CRUTCHER LLP

310 University Avenue

Palo Alto, CA 94301

Tel: 650-849-5300

Fax: 650-849-5333

Stephanie Brooker*

M. Kendall Day*

Richard Grime*

GIBSON, DUNN & CRUTCHER LLP

1050 Connecticut Avenue, N.W.,

Washington, DC 20036-5306

Tel: 202-887-3502

Fax: 202-530-4216

Mary Beth Maloney*

GIBSON, DUNN & CRUTCHER LLP

200 Park Avenue

New York, NY 10166

Tel: 212-351-4000

Fax: 212-351-4035

John K. Theis

Erin G. Gasparka

RILEY SAFER HOLMES & CANCELILA LLP

70 West Madison Street, Suite 2900

Chicago, Illinois 60602

Tel: 312-471-8700

*Admitted pro hac vice

*Attorneys for Binance Holdings Limited,
Binance Holdings (IE) Limited, Binance
(Services) Holdings Limited*

/s/ Douglas K. Yatter

Douglas K. Yatter*

Benjamin Naftalis*

Iris Xie*

LATHAM & WATKINS LLP

1271 Avenue of the Americas

New York, NY 10020

(212) 906-1200

Heather A. Waller (ARDC No. 6302537)

Kirsten C. Lee (ARDC No. 6330011)

LATHAM & WATKINS LLP

330 N Wabash Ave, Suite 2800

Chicago, Illinois 60611

(312) 876-7700

*Admitted pro hac vice

Attorneys for Changpeng Zhao

/s/ Justin Shur

Justin V. Shur*

Walter H Hawes IV*

MOLOLAMKEN LLP

600 New Hampshire Avenue, N.W.

Washington, D.C. 20037

(202) 556-2005

Megan Cunniff Church

Kenneth E. Notter III

MOLOLAMKEN LLP

300 North LaSalle Street

Chicago, Illinois 60654

(312) 450-6716

Catherine Martinez*

MOLOLAMKEN LLP

430 Park Avenue

New York, NY 10022

(212) 607-8152

*Admitted pro hac vice

Attorneys for Samuel Lim

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Erin P. Gasparka
Erin P. Gasparka