

July 20, 2023

Via ECF

The Honorable Katherine Polk Failla, U.S.D.J.  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Securities and Exchange Commission v. Coinbase, Inc.  
and Coinbase Global, Inc.*, 23 Civ. 4738 (KPF)

Dear Judge Failla:

Pursuant to the Court's instruction to the parties during the initial pretrial and pre-motion conference held on July 13, 2023, defendants Coinbase, Inc. and Coinbase Global, Inc. (together, "Coinbase") and plaintiff Securities and Exchange Commission ("SEC") respectfully submit this joint letter to the Court. The parties met and conferred regarding a proposed briefing schedule and page limits for Coinbase's anticipated motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c).

The parties agreed on and jointly propose the following deadlines: (a) Coinbase's motion and opening brief due August 4, 2023; (b) any amicus briefs in support of Coinbase's motion due 7 days thereafter; (c) any amicus briefs in support of the SEC's opposition due 7 days after the SEC's opposition brief; (d) Coinbase's reply brief due 21 days after the SEC's opposition brief.

The parties have not been able to reach an agreement with respect to the deadline for the SEC's opposition brief. Coinbase proposes that the SEC's opposition brief be due 30 days after Coinbase's motion and opening brief. The SEC proposes that its opposition brief be due 60 days after Coinbase's motion and opening brief.

The parties agreed to and jointly propose the following page limits: (a) 30 pages each for Coinbase's opening brief and the SEC's opposition brief; (b) 15 pages for Coinbase's reply brief; and (c) 20 pages each for any amicus briefs.

At this time, the SEC will not be filing a motion to strike any of Coinbase's affirmative defenses pursuant to Federal Rule of Civil Procedure 12(f).



Peter Mancuso  
Securities and Exchange Commission

Respectfully,



William Savitt  
Wachtell, Lipton, Rosen & Katz

Hon. Katherine Polk Failla

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cc: Steven R. Peikin, Esq.  
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Securities and Exchange Commission