

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

MEMO ENDORSED

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

Dear Judge Failla:

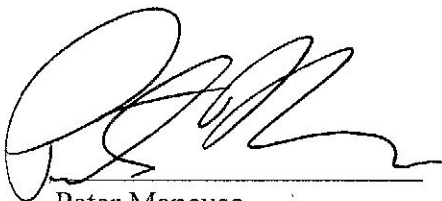
Pursuant to the Court's instruction to the parties during the initial pretrial and pre-motion conference held on July 13, 2023, defendants Coinbase, Inc. and Coinbase Global, Inc. (together, "Coinbase") and plaintiff Securities and Exchange Commission ("SEC") respectfully submit this joint letter to 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

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cc: Steven R. Peikin, Esq.
Sullivan & Cromwell LLP

Nicholas Margida, Esq.
Securities and Exchange Commission

Application GRANTED in part. The briefing schedule will proceed as follows:

- Defendants' opening brief is due on or before **August 4, 2023**, and shall not exceed **30 pages**;
- Any amicus briefs in support of Defendants' motion are due on or before **August 11, 2023**, and shall not exceed **20 pages**;
- Plaintiff's opposition brief is due on or before **October 3, 2023**, and shall not exceed **30 pages**;
- Any amicus briefs in support of Plaintiff's opposition are due on or before **October 10, 2023**, and shall not exceed **20 pages**;
- Defendants' reply brief is due on or before **October 24, 2023**, and shall not exceed **15 pages**.

Additionally, the Court is in receipt of the parties' proposed case management plan dated July 20, 2023. (Dkt. #32). It is the Court's practice to stay discovery during the pendency of a fully dispositive motion and, as such, will not enter the case management plan at this time. To the extent necessary, the Court will order the parties to file an amended proposed case management plan following its decision on the above motion.

The Clerk of Court is directed to terminate the pending motion at docket number 23.

Dated: July 20, 2023
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE