UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

INTERCONTINENTAL EXCHANGE, INC.

and

BLACK KNIGHT, INC.,

Defendants.

Case No. 3:23-cv-01710-AMO

JOINT STIPULATION REGARDING WITHDRAWAL OF WITNESS MAYUR KAPANI AND FTC'S MOTION IN LIMINE

July 24, 2023, 9 a.m.
July 25, 2023, 9 a.m.
July 26, 2023, 9 a.m.

Judge: Hon. Araceli Martínez-Olguín

WHEREAS, Defendants Intercontinental Exchange, Inc. ("ICE") and Black Knight, Inc. ("Black Knight," and together with ICE, "Defendants"), on June 30, 2023, consistent with the scheduling order in this matter, served as part of their direct evidence submissions a written declaration from Mr. Kapani (*see* ECF No. 118);

WHEREAS, Plaintiff, the Federal Trade Commission ("FTC"), on June 30, 2023, submitted a motion in limine to exclude the testimony of Mayur Kapani (ECF No. 169-1); AND

WHEREAS, Defendants have agreed to stipulate to the relief sought in the FTC's motion in order to preserve the resources of the Parties and the Court:

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties that:

(1) Defendants will not call Mayur Kapani to testify at the preliminary injunction hearing in this matter and will withdraw the declaration of Mr. Kapani served on June 30, 2023; and

(2) This provides the relief sought in the FTC's Motion, which is now moot.

Dated: July 6, 2023

FEDERAL TRADE COMMISSION

By: */s/ Abby L. Dennis*
Abby L. Dennis

Peter Richman
Ashley Masters
Abigail Wood
Daniel Aldrich
Laura Antonini
Catharine Bill
Caitlin Cipicchio
Steven Couper
Jessica S. Drake
Janet Kim
Christopher Lamar
Lauren Sillman
Neal Perlman
Nicolas Stebinger
Nina Thanawala
Taylor Weaver

FEDERAL TRADE COMMISSION

MORGAN, LEWIS & BOCKIUS LLP

By: */s/ Minna Lo Naranjo*
Minna Lo Naranjo

Michelle Park Chiu, Bar No. 248421
michelle.chiu@morganlewis.com
Minna Lo Naranjo, Bar No. 259005
minna.naranjo@morganlewis.com
MORGAN, LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, CA 94105-1596
Telephone: (415) 442-1000
Facsimile: (415) 442-1001

J. Clayton Everett Jr., *pro hac vice*
clay.everett@morganlewis.com
Ryan M. Kantor, *pro hac vice*
ryan.kantor@morganlewis.com
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004-2541

600 Pennsylvania Avenue, NW
Washington, DC 20580
Telephone: (202) 326-2381

Attorneys for Plaintiff Federal Trade Commission

Telephone: (202) 739-3000
Facsimile: (202) 739-3001

John C. Dodds, *pro hac vice*
john.dodds@morganlewis.com
Zachary M. Johns, *pro hac vice*
zachary.johns@morganlewis.com
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2921
Telephone: (215) 963-5000
Facsimile: (212) 309-6001

Harry T. Robins, *pro hac vice*
harry.robins@morganlewis.com
Susan Zhu, *pro hac vice*
susan.zhu@morganlewis.com
MORGAN, LEWIS & BOCKIUS LLP
101 Park Avenue
New York, NY 10178-0060
Telephone: (212) 309-6000
Facsimile: (212) 309-6001

Kalpana Srinivasan, Bar No. 237460
ksrinivasan@susmangodfrey.com
Michael Gervais, Bar No. 330731
mgervais@susmangodfrey.com
Jesse-Justin Cuevas, Bar No. 307611
jcuevas@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1900 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
Telephone: (310) 789-3100
Facsimile: (310) 789-3150

Shawn L. Raymond, *pro hac vice*
sraymond@susmangodfrey.com
Alexander L. Kaplan, *pro hac vice*
akaplan@susmangodfrey.com
Adam Carlis, *pro hac vice*
acarlis@susmangodfrey.com
Michael C. Kelso, *pro hac vice*
mkelso@susmangodfrey.com
Abigail Noebels, *pro hac vice*
anoebels@susmangodfrey.com
Alejandra C. Salinas, *pro hac vice forthcoming*
asalinas@susmangodfrey.com
Krisina Zuñiga, *pro hac vice*
kzuniga@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1000 Louisiana, Suite 5100
Houston, TX 77002-5096
Telephone: (713) 651-9366
Facsimile: (713) 654-6666

Attorneys for Defendant
Intercontinental Exchange, Inc.

and

Elliot R. Peters, Bar No. 158708
epeters@keker.com
R. James Slaughter, Bar No. 192813
rslaughter@keker.com
Khari J. Tillery, Bar No. 215669
ktillery@keker.com
KEKER, VAN NEST & PETERS LLP
633 Battery Street
San Francisco, CA 94111-1809
Telephone: (415) 391-5400
Facsimile: (415) 397-7188

Jonathan M. Moses, *pro hac vice*
jmmoses@wlrk.com
Adam L. Goodman, *pro hac vice*
algoodman@wlrk.com
WACHTELL, LIPTON, ROSEN & KATZ
51 West 52nd Street
New York, NY 10019
Telephone: (212) 403-1000
Facsimile: (212) 403-2000

Attorneys for Defendant
Black Knight, Inc.

Local Rule 5-1(h)(3) Attestation

Pursuant to N.D. Cal. Local Rule 5-1(h)(3), the undersigned attests that each of the other signatories to this document have concurred in the filing of this document.

Dated: July 6, 2023

By: */s/ Minna Lo Naranjo*
Minna Lo Naranjo
MORGAN, LEWIS & BOCKIUS LLP

Attorney for Defendant
Intercontinental Exchange, Inc.

Proof of Service

I, Minna Lo Naranjo, hereby certify that on July 6, 2023, I electronically filed the document entitled **JOINT STIPULATION REGARDING WITHDRAWAL OF WITNESS MAYUR KAPANI AND FTC'S MOTION IN LIMINE** with the Clerk of the Court for the United States District Court for the Northern District of California using the CM/ECF system and served a copy of same upon all counsel of record via the Court's electronic filing system.

Dated: July 6, 2023

By: */s/ Minna Lo Naranjo*
Minna Lo Naranjo
MORGAN, LEWIS & BOCKIUS LLP

Attorney for Defendant
Intercontinental Exchange, Inc.