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 RE AMENDED BRIEFING SCHEDULE AND ~~[PROPOSED]~~ ORDER

Pursuant to Civil Local Rules 6-2(a) and 7-12, Plaintiff Federal Trade Commission and Defendants Intercontinental Exchange, Inc. and Black Knight, Inc. (collectively, the "Parties") hereby stipulate as follows:

WHEREAS, on July 17, 2023, the Court granted the Parties' Joint Motion to Continue the Evidentiary Hearing Regarding Plaintiff's Motion for a Preliminary Injunction (Dkt. 269), and rescheduled the pre-hearing conference, and hearings for Plaintiff's Motion to Strike and Motion in Limine, to August 9, 2023, and the evidentiary hearing to August 14-16, 2023 (Dkt. 270);

WHEREAS, later on July 17, 2023, the Court issued an order directing the Parties to meet and confer and submit a proposed schedule for the Parties to submit revised pre-hearing submissions by July 19, 2023, at 12 p.m. Pacific Time (Dkt. 271);

WHEREAS, on July 19, 2023, the Parties submitted a proposed revised scheduling order for pre-hearing submissions (Dkt. 276);

WHEREAS the Parties' proposed revised scheduling order called for submission of simultaneous opening briefs on August 3, 2023, and submission of simultaneous response briefs on August 7, 2023 (Dkt. 276);

WHEREAS, on July 20, 2023, the Court entered a revised scheduling order as amended governing pre-hearing submissions (Dkt. 278) (the "Revised Scheduling Order");

WHEREAS, the Revised Scheduling Order granted the parties' proposed deadlines for simultaneous submissions on August 3, 2023 and August 7, 2023, but amended the proposed order submitted by the Parties to, *inter alia*, grant the Parties additional pages for briefing to enable the Court "to review consolidated materials which fully include arguments as the facts now stand" (Dkt. 278);

WHEREAS, given developments in the case, the Parties request additional time to submit their simultaneous opening briefs that are currently due on August 3, 2023;

WHEREAS, aside from the Joint Motion to Continue the Evidentiary Hearing Regarding Plaintiff's Motion for a Preliminary Injunction (Dkt. 269), and the Revised Scheduling Order (Dkt. 278), there have been no previous modifications to deadlines in this case; and

WHEREAS, this stipulated extension will not affect any other existing case deadlines.

NOW THEREFORE, pursuant to Civil Local Rules 6-2(a) and 7-12, the Parties through their respective counsel hereby stipulate as follows:

1. The Parties' deadline to file simultaneous 25-page briefs regarding the motion for preliminary injunction including discussion of the impact of the proposed Optimal Blue Transaction shall be extended to August 7, 2023 by 3:00PM PST; and
2. The Parties will forgo responsive briefing of the August 7, 2023 submissions and address any arguments from those submissions during the evidentiary hearing and in the Parties' post-hearing proposed Findings of Fact and Conclusions of Law.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: August 2, 2023

Respectfully submitted,

SUSMAN GODFREY L.L.P.

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FILER'S ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1

I, Abby Dennis, am the ECF User whose ID and password are being used to file the foregoing. In compliance with Civil Local Rule 5-1(h)(3), I attest that the other signatories concurred in this filing, and I shall maintain records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request by a party.

Dated: August 2, 2023

/s/ *Abby L. Dennis*
Abby L. Dennis

~~**PROPOSED**~~ **ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: August 3, 2023

Hon. Araceli Martínez-Olguín
UNITED STATES DISTRICT JUDGE