

Case No. 13-80223

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

IN RE HIGH-TECH EMPLOYEE ANTITRUST LITIGATION

Petition for permission to appeal from the United States District Court
Northern District of California
The Honorable Lucy H. Koh, Presiding
Case No. 5:11-2509-LHK

**MOTION FOR LEAVE TO FILE REPLY
IN SUPPORT OF PETITION FOR LEAVE TO APPEAL
UNDER FEDERAL RULE OF CIVIL PROCEDURE 23(f)**

Pursuant to Federal Rule of Appellate Procedure 27, petitioners respectfully move for leave to file the accompanying reply brief in support of the petition for leave to appeal under Federal Rule of Civil Procedure 23(f). This Court routinely grants leave to file reply briefs in support of Rule 23(f) petitions. *See, e.g., Negrete v. Allianz Life Ins. Co. of N. Am.*, No. 13-80002; *Schneider Nat'l Carriers, Inc. v. Brickley*, No. 13-80008; *Kress v. PricewaterhouseCoopers, LLP*, No. 13-80009; *Ordonez v. Radio Shack*, No. 13-80015; *Cabral v. Supple, LLC*,

No. 13-80030; *Henderson v. JPMorgan Chase Bank*, No. 13-80073. Plaintiffs' counsel nonetheless have indicated that they do not consent to this motion.

Good cause exists for the filing of a reply brief here. As explained more fully in the reply, respondents' opposition to the Rule 23(f) petition misstates both the facts of this case and the basis of the district court's order. Moreover, the reply will assist the Court in understanding the numerous important, complex, and unsettled issues of law implicated by the district court's order and the need for immediate review by this Court.

Accordingly, petitioners respectfully request that the Court grant leave to file the accompanying reply brief.

CONCLUSION

The motion for leave to file a reply brief should be granted.

Dated: November 25, 2013

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ATTESTATION: The filer attests that concurrence in the filing of this document has been obtained from all signatories.

Case No. 13-80223
CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on November 25, 2013.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Donald M. Falk .