

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CITY OF PROVIDENCE, RHODE ISLAND et al.,	:	
	:	
Plaintiffs,	:	14-CV-2811 (JMF)
	:	
-v-	:	<u>ORDER</u>
	:	
BATS GLOBAL MARKETS, INC. et al.,	:	
	:	
Defendants.	:	
	:	
-----X	:	

JESSE M. FURMAN, United States District Judge:

The Court has reviewed the parties’ competing proposals to address the issues Defendants raised with respect to Plaintiffs’ Reply Brief in Support of Class Certification and Reply Expert Reports. *See* ECF Nos. 748-50, 752, 758. In general, the Court agrees with Plaintiffs’ approach as it would ensure that all issues are teed up for the Court’s resolution at once. Defendants’ arguments about the expenses they would incur in connection with that approach are unpersuasive, particularly in light of their request for an award of “the costs and fees that [they] incur in analyzing the new material.” ECF No. 748, at 1.

Accordingly, the Court orders as follows:

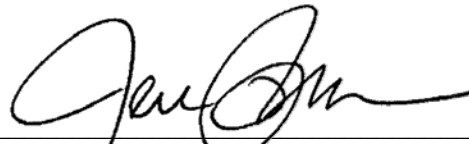
1. Defendants are granted leave to depose Professor Finnerty. The deposition shall take place before **October 29, 2021**, and, absent agreement among the parties or permission of the Court, shall not exceed three hours.
2. No later **November 5, 2021, or seven days after the deposition of Professor Finnerty, whichever is earlier**, Defendants shall file their replies in support of their motions to exclude the opinions and testimony of David Lauer and Professor Finnerty *and* any motion to strike. The replies and any motion to strike shall take the form of a single, consolidated brief, not to exceed twenty pages if Defendants do not move to strike and not to exceed forty pages if Defendants do move to strike.
3. If Defendants move to strike, Plaintiffs shall file any opposition, limited to the motion to strike (as opposed to responding to arguments made in reply) and not to exceed twenty

pages, **within two weeks of the motion**. Defendants shall file any reply in support of a motion to strike, not to exceed ten pages, **within two weeks of Plaintiffs' opposition**.

4. Defendants are granted leave to file a sur-reply with respect to Plaintiffs' motion for class certification, no later than **November 5, 2021**, and not to exceed ten pages. The Court will consider Defendants' sur-reply only to the extent that it responds to any arguments raised and/or materials submitted for the first time in connection with Plaintiffs' Reply Brief in Support of Class Certification that the Court does not strike.

SO ORDERED.

Dated: October 18, 2021
New York, New York



JESSE M. FURMAN
United States District Judge