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November 12, 2021

The motion to seal is granted temporarily. The Court will assess whether to keep the materials at issue sealed or redacted when deciding the underlying motion. SO ORDERED.

**VIA ECF**

The Honorable Jesse M. Furman  
 U.S. District Court for the Southern District of New York  
 Thurgood Marshall U.S. Courthouse  
 40 Foley Square  
 New York, New York 10007



November 12, 2021

Re: *City of Providence, Rhode Island v. Bats Global Markets, Inc.*, Case 1:14-CV-2811 (JMF)—**Letter Motion for Leave to File Under Seal**

Dear Judge Furman:

We write pursuant to Section 6 of the Court's Electronic Case Filing Rules & Instructions and Your Honor's Individual Rules of Practice to respectfully seek leave to file under seal Defendants' forthcoming Sur-reply in Further Opposition to Plaintiffs' Motion for Class Certification (ECF 617) (the "Sur-reply"), Combined Replies in Support of their Motions to Exclude the Opinions and Testimony of David Lauer (ECF 651) and John D. Finnerty (ECF 643) and Memorandum of Law in Support of their Motion to Strike Plaintiffs' New Damages Model, and Declaration of Douglas W. Henkin in support thereof (the "Omnibus Brief and Declaration"). Defendants' Sur-reply and Omnibus Brief and Declaration will be filed later today, November 12, 2021.

The Sur-reply and Omnibus Brief and Declaration cite, discuss, quote, and attach certain documents and expert materials (the "Protected Materials") that were (i) designated as "Confidential" or "Highly Confidential" under the Court's Protective Order (ECF 402), or (ii) contain Defendants' proprietary business information.

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Defendants intend to promptly file public versions of the Sur-reply and Omnibus Brief and Declaration, in which references to the Protected Materials are redacted.

Accordingly, Defendants respectfully request leave to file the Sur-reply and Omnibus Brief and Declaration under seal.

Respectfully submitted,

By: /s/ Steven M. Shepard

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cc: All counsel of record via ECF