



U.S. Department of Justice

Antitrust Division

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/04/2019

---

*New York Office*

26 Federal Plaza 212/335-8000  
Room 3630  
New York, New York 10278-0004 FAX 212/335-8023

December 2, 2019

**VIA ECF**

The Honorable Lorna G. Schofield  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 13-cv-7789 (LGS); *NYPL, et al. v. JPMorgan Chase & Co., et al.*, 15-cv-9300 (LGS); *Contant, et al. v. Bank of America Corporation, et al.*, No. 17-cv-3139 (LGS); *Allianz, et al. v. Bank of America Corporation, et al.*, No. 18-cv-10364 (LGS)

Dear Judge Schofield:

Pursuant to the Court's November 25, 2019 Order (15-cv-9300, [Dkt. No. 474](#)) and the Court's November 4, 2019 Order (13-cv-7789, [Dkt. No. 1365](#)), the United States Department of Justice, through the Antitrust Division and the Fraud Section of the Criminal Division ("the Department"), submits this letter regarding the discovery stay in the foreign-exchange related matters.

On November 20, 2019, in *United States v. Akshay Aiyer* (18-cr-333 (JGK)), a jury returned a guilty verdict against the defendant. Post-trial briefing is scheduled to conclude on or about January 24, 2020, and Aiyer's sentencing is scheduled for April 3, 2020.

At this point, the Department requests that the stay remain in place for only a few select witnesses related to *Aiyer* and *United States v. Johnson*, 18-1503-cr. The Department requests that the stay remain in place with respect to Frank Cahill and Serge Sarramegna until the Second Circuit rules on Defendant Johnson's petition for rehearing en banc. The Department requests that the stay remain in place with respect to Jason Katz, Christopher Cummins, and Nicholas Williams until Aiyer, Katz, and Cummins are sentenced. The Department does not object to the *Forex* plaintiffs' request to prepare and file letters of request for depositions in the meantime, with the understanding that these depositions will not take place until the stay is lifted.

Plaintiffs in the *In re Foreign Exchange* case (13-cv-7789), the *Allianz* case (18-cv-10364), and the *Nypl* case (18-cv-10364) consent to the Department's request. Plaintiffs in the *Contant* case (17-cv-3139) take no position. All Defendants consent to the request except for Credit Suisse, which takes no position.

It is ORDERED that, pursuant to the parameters of this letter, the testamentary discovery stay in Case Nos. 13-cv-7789, 15-cv-9300, 17-cv-3139 and 18-cv-10364 is lifted, as to defendants for whom discovery is not stayed in its entirety, for all witnesses but for Frank Cahill, Serge Sarramegna, Jason Katz, Christopher Cummins and Nicholas Williams.

The DOJ shall file a status letter on January 10, 2020 and every 45 days thereafter to apprise the Court of the ongoing need for the stay as to these witnesses, if any.

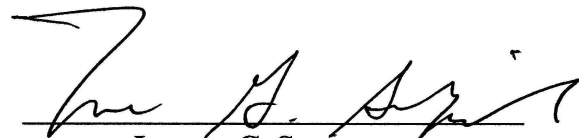
The parties in Case No. 15-cv-9300 shall file a joint status letter outlining all discovery that has thus far occurred and discovery that remains to be completed by December 13, 2019.

Amended case management plans will issue separately in Case Nos. 13-cv-7789, 17-cv-3139 and 18-cv-10364 .

The Clerk of Court is respectfully requested to docket this order in Case Nos. 13-cv-7789, 15-cv-9300, 17-cv-3139 and 18-cv-10364.

The Clerk of Court is also requested to close the motion in Case No. 15-cv-9300 at Dkt. No. 473.

Dated: December 4, 2019  
New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE