



O'Melveny & Myers LLP
Times Square Tower
7 Times Square
New York, NY 10036-6537

T: +1 212 326 2000
F: +1 212 326 2061
omm.com

Abby F. Rudzin
D: +1 212 326 2033
arudzin@omm.com

November 12, 2021

VIA ECF

MEMO ENDORSED

The Honorable Katherine Polk Failla
U.S. District Court for the Southern District of New York
40 Foley Square, Courtroom 618
New York, NY 10007

Re: In re Tether and Bitfinex Crypto Asset Litigation, No. 1:19-cv-09236-KPF
Letter-Motion to File Attachments to Pre-Motion Letter Under Seal

Dear Judge Failla:

Defendants Bittrex, Inc., and Poloniex, LLC (the “Exchange Defendants”) write to seek leave to file certain documents under seal. Simultaneously with this letter-motion, the Exchange Defendants have filed with the Court a letter requesting a pre-motion conference to discuss the Exchange Defendants’ proposed motion for summary judgment and limited discovery pending resolution of that motion (the “Pre-Motion Letter”). Exhibit A to the Pre-Motion Letter is an e-mail from the Exchange Defendants to plaintiffs attaching a sworn declaration from the owner of the Bittrex and Poloniex accounts at issue in this case (the “Declaration”). Exhibit B to the Pre-Motion letter is a letter from the declarant describing the security concerns he has about being publicly identified (the “Declarant Letter”).

Under Federal Rule of Civil Procedure 5.2 and this Court’s Individual Rules, the Exchange Defendants respectfully seek leave to file both the Declaration and the Declarant Letter under seal. As explained in the Declaration and the Declarant Letter, individuals who hold large amounts of cryptocurrency are often targeted by criminals who use hacking techniques or physical threats to try to steal their cryptocurrency in an irreversible transaction. The Declaration and the Declarant Letter include information that could expose the declarant to risk if they were publicly filed.

The Exchange Defendants therefore respectfully request that the Declaration and the Declarant Letter be filed under seal.

Respectfully submitted,

/s/ Abby F. Rudzin

Abby F. Rudzin
of O’Melveny & Myers LLP

Counsel for Defendant Bittrex, Inc.

cc: All Counsel of Record via ECF

Application GRANTED. The above-specified documents specified above, which are located at docket entry 190, are hereby permitted to be filed under seal, viewable only to the parties and the Court.

The Clerk of Court is directed to terminate the pending motion at docket entry 189.

Date: November 18, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE