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VIA ECF

February 11, 2022

Hon. Sarah Netburn
United States Magistrate Judge
Southern District of New York
40 Foley Square
New York, NY 10007

RE: *SEC v. Ripple Labs Inc. et al.*, No. 20-cv-10832 (AT)(SN) (S.D.N.Y.)

Dear Judge Netburn:

Defendant Bradley Garlinghouse respectfully opposes the SEC's request for an extension, ECF No. 425, to two weeks of the time provided for replying to Mr. Garlinghouse's motion to compel filed on February 10, 2022 ("Motion"). ECF No. 424.

The Motion addresses the SEC's claim of privilege as to a single, belatedly-identified set of notes. The legal issues concerning the SEC's claim of privilege have been well developed over months of briefing, argument and in the Court's January 13, 2022 Order. ECF No. 413. The parties' arguments relevant to this particular set of notes have already been hashed out through an extensive exchange of correspondence. See ECF Nos. 424-3, 424-4.

Under the Court's individual practices, the SEC's response to the Motion is due on Tuesday. Mr. Garlinghouse has agreed to an extension of that time that will allow the SEC a full week to respond to a 3-page letter. The fact that the SEC is deposing witnesses today, February 11, does not explain why the SEC cannot respond to the Motion by next Thursday. Nor is the timing of Mr. Garlinghouse's filing relevant—Mr. Garlinghouse is amenable to the SEC filing its response any time before midnight on February 17th.

Further delay is prejudicial to Mr. Garlinghouse. The documents that are the subject of the SEC's privilege claim were demanded to be produced months ago, and the parties have been litigating the SEC's claims of privilege since last summer. Moreover, the SEC's delay in even alerting Defendants to the existence of these notes prevented the parties from addressing them as part of the motions filed before this Court last August.

Respectfully submitted,

/s/ *Matthew C. Solomon*

Matthew C. Solomon

Counsel for Defendant Bradley Garlinghouse

cc: All Counsel of Record (via ECF)