



NEW YORK
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
BROOKFIELD PLACE, 200 VESEY STREET, SUITE 400
NEW YORK, NY 10281-1022

February 11, 2022

VIA ECF

Hon. Sarah Netburn
United States Magistrate Judge
Southern District of New York

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

Dear Judge Netburn:

Plaintiff Securities and Exchange Commission (“SEC”) respectfully submits this letter motion to request an extension of the SEC’s deadline to file a response to Defendant Bradley Garlinghouse’s (“Garlinghouse”) motion to compel production of attorney notes of a meeting between a former Commissioner of the SEC and Garlinghouse (the “Motion,” D.E. 424), to two weeks from the date of filing, February 24, 2022.

Garlinghouse elected to file the Motion at approximately 8:50 p.m. on February 10, 2022, the evening before the SEC’s depositions of two of Defendants’ experts, but nevertheless opposes any extension beyond one week from the filing.

The SEC submits that a two-week response time is appropriate in light of the crowded ongoing expert deposition and briefing schedule. Beyond the two depositions the SEC is taking today, the parties have three expert depositions scheduled next week—on February 15, 16, and 18—two of which entail travel to Austin, Texas, and the SEC will be filing its motion for partial reconsideration on February 17, 2022. (D.E. 419.)

Moreover, the SEC’s requested extension would not prejudice Garlinghouse for a number of reasons. First, the requested extension would not affect any other case management deadlines in this matter. Second, under the case management order, Garlinghouse will be entitled to an additional discovery period in the event Judge Torres denies his motion to dismiss. Even the initial fact discovery period is not complete, as Defendants have not yet completed their production of responsive documents pursuant to this Court’s November 8, 2021 Order (D.E. 402). Finally, the SEC’s motion for partial reconsideration, which like Garlinghouse’s Motion addresses the application of the deliberative process privilege to internal SEC communications, will not be fully briefed until February 25, 2022. (D.E. 419.)

For these reasons, the SEC respectfully requests an extension of time to respond to the Motion until February 24, 2022.

Respectfully submitted,

/s/ Mark R. Sylvester

Mark R. Sylvester

cc: Counsel for All Defendants (*via* ECF)