

John E. Deaton ^Δ

DEATONLAWFIRM, LLC

450 North Broadway, East Providence, Rhode Island 02914

^Δ Admitted in RI, MA, CT & IA

- VIA ECF & EMAIL -

June 8, 2022

The Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: Amici curiae in *SEC v. Ripple Labs Inc., et al.*, No. 1:20-cv-10832-AT-SN (SDNY)

Dear Judge Torres:

Amici respectfully submit this letter in response to the SEC's June 7, 2022 letter (ECF No. 498). This letter response is procedural in nature, respectfully seeking clarification from the Court. The SEC mistakenly states amici will not be prejudiced "by any delay in accessing the Opposition Brief" because the Court's Rules do not allow "reply briefs in connection with pre-motion letters." ECF No. 498.

Amici disagrees with the SEC's interpretation. Amici's motion was properly labeled and filed as a Letter Motion, thus allowing a reply. Pursuant to the SDNY Electronic Case Filing Rules and Instructions Part II, Sec. 13.1, letters requesting relief must be filed using the ECF Filing Event MOTION and should be identified as a LETTER-MOTION. *See* SDNY Electronic Case Filing Rules & Instructions (updated May 2, 2022), available at https://www.nysd.uscourts.gov/sites/default/files/pdf/ecf_rules/ECF_Rules_050222_FINAL.pdf. A Motion to File Amicus Brief is specified in the list of motions that may be made by letter-motion. *Id.* at 16. Furthermore, when attempting to file a letter, the CM-ECF filing system explicitly prompts the user not to use the letter feature to file a letter making an application or request to the Court and directs the user to the letter motion option. *Id.*

Thus, amici followed the applicable rules.¹ Clearly, pursuant to these rules, "[i]f a motion is made by letter, the opposing party may file any response in letter form and **the moving party may file any reply in letter form.**" *Id.* at 17. (emphasis added). Amici believes the SEC is mistaken because, pursuant to the Court's rules, amici is entitled to submit a reply. Amici respectfully intends to reply, but seeks clarification from the Court.

¹ Amici's filing in this case was consistent with other letter motion filings seeking leave to file amicus briefs. *See United States v. Paramount Pictures, Inc.*, 19 Misc. 544 (AT) (S.D.N.Y. Aug. 7, 2020); *Assad v. Pershing Square Tontine Holdings, Ltd.*, 21 Civ. 6907 (AT) (S.D.N.Y. Aug. 23, 2021); *Floyd v. City of New York*, 08 Civ. 1034 (AT) (S.D.N.Y. Jul. 8, 2020); *Ligon v. City of New York*, 12 Civ. 2274 (SAS) (S.D.N.Y. Jun. 12, 2012); *Davis v. City of New York*, 10 Civ. 0699 (SAS) (S.D.N.Y. May. 5, 2011).

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Deaton". The signature is stylized and somewhat cursive.

John E. Deaton, Esq.
Deaton Law Firm LLC
450 North Broadway
East Providence, RI 02914
Tel: +1 (401) 351-6400
Fax: +1 (401) 351-6401
all-deaton@deatonlawfirm.com

Counsel for Amici Curiae