

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SECURITIES INDUSTRY AND
FINANCIAL MARKETS ASSOCIATION,
INTERNATIONAL SWAPS AND
DERIVATIVES ASSOCIATION,
INSTITUTE OF INTERNATIONAL
BANKERS,

Plaintiffs,

v.

COMMODITY FUTURES TRADING
COMMISSION,

Defendant.

Case No. 13-cv-1916 (ESH)

JOINT MOTION TO MODIFY BRIEFING SCHEDULE AND PAGE LIMITATIONS

Plaintiffs Securities Industry and Financial Markets Association, International Swaps and Derivatives Association, and Institute of International Bankers and Defendant Commodity Futures Trading Commission (“CFTC”) hereby jointly move to modify the briefing schedule and page limitations set forth in this Court’s January 14, 2014 order as follows:

1. The due date for the Defendant’s consolidated motion to dismiss, opposition, and cross-motion for summary judgment would be extended by 11 days, from March 3, 2014 until March 14, 2014. Subsequent filing dates would be extended accordingly, so that amicus briefs for Defendants would be due on March 21, Plaintiffs’ consolidated reply and opposition would be due on April 4, and Defendant’s reply would be due on April 25.

2. The number of pages allowed for Plaintiffs' consolidated reply and opposition would be increased from 25 to 45.

3. The number of pages allowed for Defendant's reply would be increased from 25 to 30.

A proposed order to this effect is attached.

The parties jointly request this modification to the briefing schedule for the following reasons:

1. The briefing schedule set in the January 14, 2014 scheduling order gave Plaintiffs fewer total briefing pages than Defendants. The proposed change results in a more equal allocation of pages.

2. In the view of the CFTC, the requested extension of time is necessary for it to thoroughly brief all the issues in the case.

3. Defendant's ability to meet the originally scheduled March 3, 2014 deadline for its consolidated motion to dismiss, opposition, and cross-motion has been affected by the fact that each of the three CFTC attorneys assigned to this case has suffered from flu or similar illness and has been unable to work on the case for several days during the period since the Court's January 14 scheduling order.

4. An 11-day extension of the schedule will only modestly affect the time of the ultimate disposition of the case.

CONCLUSION

For the forgoing reasons, the Court should modify the briefing schedule in this case as specified in this motion and the attached proposed order.

Respectfully submitted,

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