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A LIMITED LIABILITY PARTNERSHIP

January 22, 2025

VIA ECF FILING

Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

*The Government's motion
(ECF No. 55) was granted.
No further action is necessary.
So ordered.
1/23/25 per G/Koeltl
U.S.D.J.*

Re: United States of America v. Visa Inc.; Case No. 1:24-cv-07214 (JGK)

Dear Judge Koeltl:

We represent Visa Inc. in the above-referenced action. On January 19th, the Government filed its opposition to Visa's motion to dismiss. In a separate letter-motion, the Government requested the Court's permission to file its redacted opposition on the public docket, and to file an unredacted copy of its opposition under seal. ECF No. 50. Your Honor granted the Government's letter-motion. ECF No. 55. We write pursuant to Rule VI.A.2 of Your Honor's Individual Rules to "explain[] the need to seal [and] redact" the Government's opposition.

The Government's opposition refers to exhibits that accompany Visa's motion to dismiss, which are non-public contracts between Visa and three non-party companies. When Visa filed its motion to dismiss, Visa requested that Your Honor allow Visa to file its motion to dismiss with references to the substance of those agreements redacted, and to file the unredacted motion and exhibits under seal. ECF No. 36. Your Honor granted Visa's request. ECF No. 41. The underlying reasons to redact information about the contracts remain the same: the contracts are "confidential business contracts," and disclosure would "result in competitive harm" to Visa and its counterparties. *Regeneron Pharms., Inc. v. Novartis Pharma AG*, No. 1:20-cv-05502, 2021 WL 243943, at *2 (S.D.N.Y. Jan. 25, 2021). And the vast majority of the language in the contracts will likely be "irrelevant to the Court's decision" at this stage, even if it "could be very useful to a competitor." *Alto v. Sun Pharm. Indus., Inc.*, No. 1:19-cv-09758, 2021 WL 4480952, at *1 (S.D.N.Y. Sept. 30, 2021). Additionally, the contracts are Highly Confidential Information secured by this case's protective order. See ECF No. 42 ¶¶ 8, 24.

We appreciate the Court's consideration and would be happy to provide additional briefing to the Court if necessary.

Respectfully submitted,

/s/ Brian Stekloff

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CC: All Counsel of Record (via ECF)