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The Honorable Arun Subramanian
United States District Judge
United States District Court, Southern District of New York
500 Pearl Street, Courtroom 15A
New York, NY 10007

March 12, 2025

Re: *United States, et al. v. Live Nation Entertainment, Inc., et al.*, No. 1:24-cv-03973

Dear Judge Subramanian:

Plaintiffs and Defendants submit this joint letter advising the Court of each of the parties' proposed topics for discussion at the March 13, 2025, telephonic conference. The parties also write to jointly request relief from the requirement for teleconferences that "[n]o more than one individual be designated to speak on behalf of each party" per Rule 4.B.i of the Court's Individual Practices in Civil Cases. Instead, the parties request that representatives from each party be permitted to speak on behalf of the parties on an issue-by-issue basis, as identified below.

I. Plaintiffs' Issues for Discussion at the Conference

- 1. Plaintiffs' March 7, 2025, Motion to Compel Live Nation to Comply with Its Discovery Obligations (ECF 472) [John Thornburgh (Plaintiffs) / Jesse Weiss & Tim O'Mara (Defendants)].**
 - a. Plaintiffs' Position: Plaintiffs are concerned about the pace of discovery in the face of Defendants' repeated delays and missed deadlines; Plaintiffs respectfully request the relief outlined in the March 7 motion.
 - b. Defendants' Position: Defendants have complied with all discovery deadlines, are on track to meet upcoming deadlines, and have issued timely non-party subpoenas; Defendants' positions on these issues are set forth in their March 11 response to Plaintiffs' letter-motion (ECF 476).
- 2. Bifurcation [Bonny Sweeney & Adam Gitlin (Plaintiffs) / Al Pfeiffer (Defendants)].**
 - a. Plaintiffs' Position: Plaintiffs have proposed to Defendants bifurcating liability and some remedies; the parties are continuing to meet and confer on this issue, but due to the potential implications, Plaintiffs wanted to make the Court aware of these discussions.
 - b. Defendants' Position: Plaintiffs' not-yet-fully-developed bifurcation proposal does not achieve the objectives of efficiency and fairness, as required by Rule 42(b) and the law in this Circuit; the parties are still discussing this issue and it is thus premature to raise this issue with the Court and any dispute on bifurcation should be resolved through motion practice.

3. Plaintiffs' Proposed Amendment to the Scheduling and Case Management Order ("CMO") for Nationwide Service of Trial Subpoenas [Bonny Sweeney (Plaintiffs)].

- a. Plaintiffs' Position: Plaintiffs propose amending the CMO to add a provision, consistent with 15 U.S.C. § 23, that would enable each side to issue nationwide trial subpoenas.
- b. Defendants' Position: Defendants do not oppose Plaintiffs' proposed amendment.

Respectfully submitted,

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