

No. 22-80100

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**IN RE: FACEBOOK SIMULATED
CASINO-STYLE GAMES LITIGATION**

On Petition for Permission to Appeal from an Order of the
United States District Court for the Northern District of California
Case No. 5:21-CV-02777 | The Honorable Edward J. Davila

**MOTION BY META PLATFORMS, INC. FOR LEAVE TO FILE
REPLY IN SUPPORT OF PETITION FOR PERMISSION
TO APPEAL UNDER 28 U.S.C. § 1292(b)**

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Petitioner Meta Platforms, Inc. respectfully requests leave to file a reply in support of its petition for permission to appeal under 28 U.S.C. § 1292(b). Dkt. 1-2.

This Court regularly grants motions for leave to file reply briefs in support of § 1292(b) petitions. *See, e.g., Cinnamon Mills v. Target Corp.*, No. 21-80111, Dkt. 11 (9th Cir. Dec. 6, 2021); *West Coast Stock Transfer, Inc. v. Terra Tech Corp.*, No. 19-80022, Dkt. 9 (9th Cir. May 31, 2019); *Swinomish Indian Tribal Community v. BNSF Ry. Co.*, No. 18-80062, Dkt. 11 (9th Cir. Aug. 21, 2018). Although neither the Federal Rules of Appellate Procedure nor this Court's rules expressly address the filing of a reply in support of a § 1292(b) petition, the Federal Rules of Appellate Procedure generally give the party seeking relief an opportunity to file a reply. *See* Fed. R. App. P. 27(a)(4) (authorizing a reply to a response to a motion); Fed. R. App. P. 28(c) (authorizing appellant to file reply brief).

Meta's proposed reply complies with the length and timing requirements in Federal Rule of Appellate Procedure 27(a)(4) and (d)(2) and Circuit Rules 27-1(1)(d) and 32-3 for reply briefs in support of motions, as it does not exceed 2,800 words and is being filed within seven days of the filing of the answer to the petition. Dkt. 6. The Court will

benefit from the proposed reply because it clarifies the issues presented, rebuts arguments raised in the answer, and corrects the record. Counsel for Meta has conferred with counsel for Plaintiffs. Plaintiffs do not oppose this motion.

Meta therefore respectfully requests that the Court grant this motion and consider the attached reply in deciding the petition.

Dated: September 29, 2022

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Christopher Chorba

*Counsel for Petitioner
Meta Platforms, Inc.*

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