

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

**In the Matter of**

**Intercontinental Exchange, Inc.,**  
a corporation;

and

**Black Knight, Inc.,**  
a corporation.

**Docket No. 9413**

**AGREED MOTION OF NON-PARTY POLLYEX, INC. FOR EXTENSION OF TIME  
TO MOVE TO LIMIT OR QUASH OR OTHERWISE RESPOND TO SUBPOENA**

Non-party PollyEx, Inc. (“Polly”) hereby moves pursuant to 16 C.F.R. § 3.34(c) (“Rule 3.34(c)”) for a ten-day extension of time to April 17, 2023, to move to limit or quash or otherwise respond to the subpoena served on Polly by Complaint Counsel on March 28, 2023 (the “Subpoena”). Complaint Counsel agrees with the relief requested in this motion.

Complaint Counsel served Polly with the Subpoena on March 28, 2023, with a response date of April 10, 2023. As a result, pursuant to Rule 3.34(c), the deadline for Polly to move to limit or quash the Subpoena is April 7, 2023, which is ten days after service of the Subpoena.

Negotiations between Polly and Complaint Counsel as to the scope of Polly’s production and a discovery schedule are productive and ongoing. Polly requests an extension of the deadline for Polly to move to limit or quash or otherwise respond to the Subpoena so that Polly and Complaint Counsel can continue to negotiate and thereby eliminate or narrow any issues that need to be presented to the Court for resolution.

Pursuant to the March 29, 2023 Scheduling Order, the close of discovery is May 23, 2023 and the Hearing will occur on July 12, 2023. Complaint Counsel therefore has adequate time to

complete fact discovery, and Polly does not believe the requested extension of ten days will delay the progress of these proceedings.

Through correspondence with Complaint Counsel, Polly understands that Complaint Counsel agrees with the relief requested in this motion.

WHEREFORE, for good cause shown, Polly respectfully requests that Your Honor grant the requested relief pursuant to 16 C.F.R. § 4.3(b).

Dated: April 7, 2023

Respectfully submitted,

*/s/ Steve Albertson*

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*Counsel for Non-Party PollyEx, Inc.*

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**In the Matter of**

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**Docket No. 9413**

**[PROPOSED] ORDER GRANTING AGREED MOTION FOR EXTENSION OF TIME  
TO MOVE TO LIMIT OR QUASH OR OTHERWISE RESPOND TO SUBPOENA**

On April 7, 2023, non-party PollyEx, Inc. (“Polly”) filed an Agreed Motion for Extension of Time to Move to Limit or Quash or Otherwise Respond to a subpoena (“Motion”) served by Complaint Counsel on March 28, 2023.

Under FTC Rule of Practice 3.34(c), any motion to limit or quash a subpoena must be filed within the earlier of ten days of service of the subpoena or the time for compliance therewith. Polly states that it seeks an extension of time in order to continue its negotiations with Complaint Counsel regarding the subpoena, thereby narrowing potential discovery disputes.

FTC Rule 4.3(b) authorizes the Administrative Law Judge, except in circumstances not here presented, to extend any time limit prescribed by the rules “[f]or good cause shown.” 16 C.F.R. § 4.3(b). Based on the representation in the Motion, Polly has demonstrated good cause for the requested extension. Accordingly, the Motion is GRANTED and it is hereby ORDERED that Polly’s deadline for filing any motion to limit or quash or otherwise respond to the subpoena pursuant to Rule 3.34(c) is extended to April 17, 2023.

ORDERED:

Date: April [ ], 2023

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D. Michael Chappell  
Chief Administrative Law Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on April 7, 2023, I filed the foregoing document electronically using the Federal Trade Commission's e-filing system, which will send notification of such filing to:

April Tabor  
Secretary  
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The Honorable D. Michael Chappell  
Administrative Law Judge  
Federal Trade Commission  
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I also certify that I caused the foregoing document to be served via email to:

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Respectfully submitted,

*/s/ Erica R. Sutter*

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*Counsel for Non-Party PollyEx, Inc.*

**CERTIFICATE FOR ELECTRONIC FILING**

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the original filing, and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

Dated: April 7, 2023

Respectfully submitted,

/s/ Erica R. Sutter

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