

## UNITED STATES OF AMERICA before the SECURITIES AND EXCHANGE COMMISSION

SEP 12 2017
OFFICE OF THE SECRETARY

In The Matter of the Application of:

BLOOMBERG L.P.

for Review of Action Taken by a Self-Regulatory Organization

Admin. Proc. File No. 3 - 18145

## MOTION TO HOLD PROCEEDING IN ABEYANCE PENDING RESOLUTION OF IN RE APPLICATION OF SIFMA (NO. 3-15350)

The Nasdaq Stock Market LLC ("Nasdaq") respectfully moves for an order holding this proceeding in abeyance pending resolution of a similar proceeding initiated by the Securities Industry and Financial Markets Association ("SIFMA"), *In re Application of SIFMA*, Admin. Proc. File No. 3-15350, which is currently pending before the Commission on SIFMA's petition for review of the Chief Administrative Law Judge's initial decision.

As set forth in the accompanying Memorandum of Law, holding this proceeding in abeyance is appropriate because the issues raised in this proceeding under Sections 19(d) and 19(f) of the Securities Exchange Act are substantially similar to the issues pending before the Commission in *In re Application of SIFMA*. An abeyance order will therefore conserve the resources of the parties and the Commission because the decision in SIFMA's pending proceeding is likely to inform the parties' arguments and the Commission's decision in this matter.

Accordingly, Nasdaq respectfully requests that the Commission hold this proceeding in abeyance pending the resolution of *In re Application of SIFMA*.

Jeffrey S. Davis John Yetter NASDAQ OMX 805 King Farm Boulevard Rockville, MD 20850

Dated: September 11, 2017

Respectfully submitted,

Eugene Scalia
Amir C. Tayrani
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 955-8500
escalia@gibsondunn.com

Stephen D. Susman
Jacob W. Buchdahl
Susman Godfrey LLP
560 Lexington Avenue, 15th Floor
New York, NY 10022
(212) 336-8330
ssusman@susmangodfrey.com

## **CERTIFICATE OF SERVICE**

I hereby certify that on September 11, 2017, I caused a copy of the foregoing document to be served on the parties listed below via First Class Mail, except as otherwise provided.

Brent J. Fields
Secretary
U.S. Securities and Exchange Commission
100 F Street, N.E.
Washington, D.C. 20549
(via hand delivery)

Michael D. Warden
Benjamin Beaton
Kevin P. Garvey
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005

Dated: September 11, 2017

Amir C. Tayrani

Gibson, Dunn & Crutcher LLP 1050 Connecticut Avenue, N.W.

Washington, D.C. 20036

(202) 955-8500

atayrani@gibsondunn.com