

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

KEVIN CLARKE, in his individual capacity,
TREVOR BOECKMANN, in his individual
capacity, HARRY CRANE, in his individual
capacity, CORWIN SMIDT, in his individual
capacity, PREDICT IT, INC., a Delaware
corporation, and ARISTOTLE
INTERNATIONAL, INC., a Delaware
corporation,

Plaintiffs,

v.

COMMODITY FUTURES TRADING
COMMISSION,

Defendant.

Case No. 2022-cv-00909-LY

**ORDER GRANTING PLAINTIFFS'
MOTION FOR A PRELIMINARY INJUNCTION**

Upon consideration of Plaintiffs Kevin Clarke, Trevor Boeckmann, Harry Crane, Corwin Smidt, Predict It, Inc., and Aristotle International, Inc.'s Motion for Preliminary Injunction, the parties' briefs, and the record in this case, it is hereby

ORDERED:

1. Plaintiffs' motion is GRANTED; and
2. The Court is issuing a preliminary injunction against the Commodity Futures Trading Commission enforcing an aspect of its decision to revoke the No-Action Relief related to the PredictIt Market, specifically that decision's mandate to liquidate all event markets prior to February 15, 2023;
3. Defendants are enjoined from prohibiting Plaintiffs Kevin Clarke, Trevor Boeckmann or any other investor participating in the PredictIt Market from buying, selling, or trading through the PredictIt Market:

- a. any political event contract that was initially offered on the PredictIt Market on or before August 4, 2022 (the date of the Commission's revocation decision); or
- b. any political event contract offered by the PredictIt Market after August 4, 2022, to account for emerging candidates in an election that was covered by a PredictIt Market contract as of August 4, 2022 (the date of the Commission's revocation decision),

pending a final judgment in this matter; and

4. Defendant is enjoined from prohibiting or otherwise enforcing its Revocation decision—CFTC Letter 22-08—to prohibit or deter in any way the PredictIt Market, or any entity involved in operating or servicing the PredictIt Market, from:
 - a. allowing continued trading in any political event contract that was initially offered on or before August 4, 2022 (the date of the Commission's revocation decision) until the event specified in that contract resolves; or
 - b. offering and allowing to trade a new event contract that seeks to add an avenue for predicting the success or failure of additional candidates in an election that was addressed by a PredictIt Market contract as of August 4, 2022 (the date of the Commission's revocation decision),

pending a final judgment in this matter.

Dated: _____, 2022

The Honorable Lee Yeakel