

No. 22-51124

IN THE
**United States Court Of Appeals
For The Fifth Circuit**

KEVIN CLARKE; TREVOR BOECKMANN; HARRY CRANE; CORWIN SMIDT; ARISTOTLE
INTERNATIONAL, INCORPORATED; PREDICT IT, INCORPORATED; MICHAEL BEELER;
MARK BORGHI; RICHARD HANANIA; JAMES D. MILLER; JOSIAH NEELEY; GRANT
SCHNEIDER; WES SHEPHERD,
Plaintiffs-Appellants,

v.

COMMODITY FUTURES TRADING COMMISSION,
Defendant-Appellee.

On Appeal from the United States District Court for the
Western District of Texas, No. 1:22-cv-00909-LY

**UNOPPOSED MOTION FOR WITHDRAWAL OF KYLE M. DRUDING
AS COUNSEL FOR DEFENDANT-APPELLEE CFTC**

Robert A. Schwartz
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May 26, 2023

CERTIFICATE OF INTERESTED PERSONS

No. 22-51124

KEVIN CLARKE, ET AL.,
Plaintiffs-Appellants,

v.

COMMODITY FUTURES TRADING COMMISSION
Defendant-Appellee.

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

Plaintiffs-Appellants:

Kevin Clarke
Trevor Boeckmann
Harry Crane
Corwin Smidt
Aristotle International, Inc.
Predict It, Inc.
Michael Beeler
Mark Borghi
Richard Hanania
James D. Miller
Josiah Neeley
Grant Schneider
Wes Shepherd

Counsel:

For Plaintiffs-Appellants:

Michael J. Edney
Shannen Coffin
John J. Byron

For Defendant-Appellee:

Robert A. Schwartz
Anne W. Stukes
Kyle M. Druding

Defendant-Appellee:

United States Commodity Futures
Trading Commission

/s/ Anne W. Stukes

Anne W. Stukes

Counsel of Record for Defendant-Appellee

Defendant-Appellee the U.S. Commodity Futures Trading Commission (“CFTC”) files this unopposed motion for withdrawal of Kyle M. Druding as counsel. Mr. Druding is leaving the CFTC and will no longer act as counsel in this action. Anne W. Stukes of the CFTC will continue to represent Defendant-Appellee in this action. Mr. Druding’s withdrawal will not cause delay.

The CFTC respectfully requests that the Court grant this motion and remove Mr. Druding from the official service list in this action. Counsel for Plaintiffs-Appellants do not oppose this motion.

Respectfully submitted,

/s/ Anne W. Stukes

Robert A. Schwartz

General Counsel

Anne W. Stukes

Deputy General Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2023, I caused the foregoing Unopposed Motion for Withdrawal of Kyle M. Druding as Counsel for Defendant-Appellee CFTC to be filed with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit and served on Plaintiffs-Appellants, using the Court's CM/ECF system, as all participants in this case are registered CM/ECF users.

/s/ Anne W. Stukes
Anne W. Stukes

CERTIFICATE OF COMPLIANCE

1. I hereby certify that this Motion complies with the type-volume limits of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 27(a)(2)(B) and 32(f), it contains 87 words.

2. I hereby certify that this Motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2019 in 14-point Times New Roman.

/s/ Anne W. Stukes
Anne W. Stukes

Dated: May 26, 2023