

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

KEVIN CLARKE, TREVOR
BOECKMANN, HARRY CRANE, CORWIN
SMIDT, PREDICT IT, INC., ARISTOTLE
INTERNATIONAL, INC., MICHAEL
BEELER, MARK BORGHI, RICHARD
HANANIA, JAMES MILLER, JOSIAH
NEELEY, GRANT SCHNEIDER, and WES
SHEPHERD,

Plaintiffs,

v.

COMMODITY FUTURES TRADING
COMMISSION,

Defendant.

Civil Docket No. 1:22-cv-00909-DAE

The Honorable David Alan Ezra

**CFTC NOTICE OF FILING IN ADDITION TO PARTIES' AGREED JOINT
SCHEDULING RECOMMENDATIONS**

Defendant CFTC hereby notifies the Court that, since the filing of the Parties' Agreed Scheduling Recommendations on October 4, 2023 (Dkt. 47), the CFTC has determined to make an additional filing not listed in the recommendations. Specifically, the CFTC will be filing a renewed Motion to Transfer Venue. *See* Dkt. 38 (Court order denying without prejudice subject to reurging previously filed CFTC Motion to Transfer Venue). The motion will be filed in the immediate future. The Motion to Transfer Venue should not otherwise affect the Agreed Scheduling Recommendations since the litigation events in the scheduling recommendations will need to take place regardless of how this Court rules on the Motion to Transfer Venue.

Respectfully submitted,

/s/ Martin B. White

Robert A. Schwartz (D.C. Bar No. 489240)

General Counsel

Anne W. Stukes (D.C. Bar No. 469446)*

Deputy General Counsel

Martin B. White (D.C. Bar No. 221259)*

Senior Assistant General Counsel

U.S. COMMODITY FUTURES TRADING
COMMISSION

Three Lafayette Centre

1155 21st Street, N.W.

Washington, DC 20581

Phone: (202) 993-1390

Fax: (202) 418-5567

mwhite@cftc.gov

* *Admitted pro hac vice*

CERTIFICATE OF SERVICE

I certify that on October 13, 2023, I caused the foregoing motion to be served on the Clerk of the Court using the Court's CM/ECF system, which will send notice to all counsel of record in this case.

/s/ Martin B. White