

**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 D. MILLER, JOSIAH  
NEELEY, GRANT SCHNEIDER, and WES  
SHEPHERD,

Plaintiffs,

v.

COMMODITY FUTURES TRADING  
COMMISSION,

Defendant.

Case No. 1:22-cv-00909

The Honorable David Alan Ezra

**PLAINTIFFS' NOTICE OF INTENT TO OPPOSE THE DEFENDANT'S  
RENEWED MOTION TO TRANSFER VENUE**

Plaintiffs file this notice to respectfully advise the Court that, pursuant to Local Rule CV-7(D)(2), they intend to file a memorandum in opposition to Defendant's Motion to Transfer Venue (Dkt. 50), filed on October 13, 2023, no later than October 27, 2023.

Under this Court's rules, a party has 14 days to file a response to a motion, unless the motion involves "a discovery or case management motion," in which case a response is due no later than 7 days after the motion is filed. Local R. CV-7(D)(2). As it concerned the significant matter of in what court the entire case would be adjudicated, the Defendant's prior motion to transfer was not treated as "a discovery or case management motion." Accordingly, the Defendant filed that motion on September 20, 2022 (Dkt. 8); Plaintiffs

filed their response in opposition 14 days later on October 4, 2022 (Dkt. 13); and the Defendant replied on October 11, 2022 (Dkt. 16).

Respectfully submitted,

/s/ Michael J. Edney

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 20, 2023, a copy of the foregoing was filed electronically and was served on counsel of record through the Court's electronic case filing/case management (ECF/CM) system.

/s/ Michael J. Edney  
Michael J. Edney