

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KALSHIEX LLC,

Plaintiff,

v.

COMMODITY FUTURES TRADING
COMMISSION,

Defendant.

Civil Action No. 1:23-cv-03257 (JMC)

Unopposed Motion for Leave to Exceed Local Rule 7(e) Page Limit

Defendant Commodity Futures Trading Commission (“CFTC” or “Commission”) respectfully requests leave to exceed Local Rule 7(e)’s 45-page limit by up to ten pages for its memorandum of points and authorities in its cross-motion for summary judgment and response in opposition to Plaintiff’s motion for summary judgment. In support of this motion, the CFTC represents as follows:

1. Kalshi brought this case challenging a Commission order pursuant to the Administrative Procedure Act.
2. The parties agreed to, and this Court ordered, a summary judgment briefing schedule under which, among other deadlines, Kalshi would file a motion for summary judgment no later than January 25, 2024, and the CFTC would file a cross motion for summary judgment and a response in opposition to Kalshi’s motion no later than February 26, 2024. Dkt. No. 15. The briefing schedule does not specify a page limit for the parties’ memoranda in support of or in opposition to these motions.
3. Local Rule 7(e) provides that “[a] memorandum of points and authorities in support of or in opposition to a motion shall not exceed 45 pages.” LCvR 7(e).

4. The CFTC is preparing a combined cross-motion for summary judgment and response in opposition to Kalshi's motion for summary judgment. A limit of up to 55 pages for its memorandum of points and authorities will ensure that the CFTC can both properly present its own cross motion for summary judgment and adequately address Kalshi's summary judgment arguments in the combined motion and opposition.

5. The CFTC and KalshiEx conferred, per Local Rule 7(m), and Counsel for plaintiff KalshiEx has indicated that KalshiEx will not oppose this motion.

For the foregoing reasons, the CFTC respectfully requests that this Court permit the CFTC to exceed Local Rule 7(e)'s 45-page limit by up to 10 pages (for a total of up to 55 pages) for its memorandum of points and authorities in its cross-motion for summary judgment and response in opposition to Plaintiff's motion for summary judgment.

Dated: February 21, 2024

Respectfully submitted,

/s/ Margaret Aisenbrey

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CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2024, I served the foregoing on counsel of record using this Court's CM/ECF system.

/s/ Margaret Aisenbrey