

**U.S. District Court [LIVE]  
Western District of Texas (Austin)  
CIVIL DOCKET FOR CASE #: 1:22-cv-00909-DAE**

Clarke et al v. Commodity Futures Trading Commission  
Assigned to: Judge David A. Ezra  
Demand: \$0  
Case in other court: Fifth Circuit, 22-51124  
Cause: 05:551 Administrative Procedure Act

Date Filed: 09/09/2022  
Jury Demand: None  
Nature of Suit: 899 Other Statutes:  
Administrative Procedures Act/Review or  
Appeal of Agency Decision  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Kevin Clarke**

represented by **Michael James Edney**  
Hunton Andrews Kurth LLP  
2200 Pennsylvania Avenue, NW  
Washington, DC 20037  
202-778-2204  
Email: medney@huntonak.com  
*ATTORNEY TO BE NOTICED*

**John J. Byron**  
Steptoe LLP  
227 West Monroe  
Ste 4700  
Chicago, IL 60603  
312-577-1283  
Email: jbyron@steptoe.com  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Trevor Boeckmann**

represented by **Michael James Edney**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**John J. Byron**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Harry Crane**

represented by **Michael James Edney**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**John J. Byron**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Corwin Smidt**

represented by **Michael James Edney**  
(See above for address)

*ATTORNEY TO BE NOTICED*

**John J. Byron**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Aristotle International, Inc.**

represented by **Michael James Edney**

(See above for address)

*ATTORNEY TO BE NOTICED*

**John J. Byron**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Predict It, Inc.**

represented by **Michael James Edney**

(See above for address)

*ATTORNEY TO BE NOTICED*

**John J. Byron**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Michael Beeler**

represented by **Michael James Edney**

(See above for address)

*ATTORNEY TO BE NOTICED*

**John J. Byron**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Mark Borghi**

represented by **Michael James Edney**

(See above for address)

*ATTORNEY TO BE NOTICED*

**John J. Byron**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Richard Hanania**

represented by **Michael James Edney**

(See above for address)

*ATTORNEY TO BE NOTICED*

**John J. Byron**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**James D Miller**

represented by **Michael James Edney**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**John J. Byron**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Josiah Neeley**

represented by **Michael James Edney**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**John J. Byron**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Grant Schneider**

represented by **Michael James Edney**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**John J. Byron**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Wes Shepherd**

represented by **Michael James Edney**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**John J. Byron**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Commodity Futures Trading Commission**

represented by **Anne Whitford Stukes**  
Commodity Futures Trading Commission  
Office of the General Counsel  
1155 21st Street, N.W.  
Washington, DC 20581  
202-418-5127  
Fax: 202-418-5567  
Email: astukes@cftc.gov  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Kyle Mitchell Druding**

U.S. Commodity Futures Trading Commission  
 1155 21st Street, NW  
 Washington, DC 20581-0001  
 202-418-6024  
 Fax: (202) 418-5521  
 Email: kdruding@cftc.gov  
 TERMINATED: 05/31/2023  
 LEAD ATTORNEY  
 PRO HAC VICE  
 ATTORNEY TO BE NOTICED

**Martin B. White**

U.S. Commodity Futures Trading Commission  
 1155 21st Street, N.W.  
 Washington, DC 20581  
 202-418-5129  
 Email: mwhite@cftc.gov  
 LEAD ATTORNEY  
 PRO HAC VICE  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/09/2022	<u>1</u>	COMPLAINT <i>for Declaratory and Injunctive Relief</i> ( Filing fee \$ 402 receipt number ATXWDC-16506830), filed by Predict It, Inc., Corwin Smidt, Kevin Clarke, Harry Crane, Trevor Boeckmann, Aristotle International, Inc.. (Attachments: # <u>1</u> Exhibit Ex. 1 – No–Action Relief, # <u>2</u> Exhibit Ex. 2 – Revocation, # <u>3</u> Exhibit Ex. 3 – Request for No–Action Relief, # <u>4</u> Civil Cover Sheet Civil Cover Sheet)(Byron, John) (Entered: 09/09/2022)
09/09/2022	<u>2</u>	REQUEST FOR ISSUANCE OF SUMMONS by Aristotle International, Inc., Trevor Boeckmann, Kevin Clarke, Harry Crane, Predict It, Inc., Corwin Smidt. (Byron, John) (Entered: 09/09/2022)
09/09/2022	<u>3</u>	RULE 7 DISCLOSURE STATEMENT filed by Aristotle International, Inc.. (Byron, John) (Entered: 09/09/2022)
09/09/2022	<u>4</u>	RULE 7 DISCLOSURE STATEMENT filed by Predict It, Inc. identifying Corporate Parent Aristotle International, Inc. for Predict It, Inc.. (Byron, John) (Entered: 09/09/2022)
09/09/2022	<u>5</u>	Case assigned to Judge Lee Yeakel. CM WILL NOW REFLECT THE JUDGE INITIALS AS PART OF THE CASE NUMBER. PLEASE APPEND THESE JUDGE INITIALS TO THE CASE NUMBER ON EACH DOCUMENT THAT YOU FILE IN THIS CASE. (rn) (Entered: 09/12/2022)
09/09/2022	<u>6</u>	If ordered by the court, all referrals and consents in this case will be assigned to Magistrate Judge Lane (rn) (Entered: 09/12/2022)
09/12/2022	<u>7</u>	Summons Issued as to All Defendants. (rn) (Entered: 09/12/2022)
09/20/2022	<u>8</u>	MOTION to Appear Pro Hac Vice by Kyle Druding by on behalf of Commodity Futures Trading Commission. (Attachments: # <u>1</u> Proposed Order)(Druding, Kyle) (Entered: 09/20/2022)
09/20/2022	<u>9</u>	MOTION to Appear Pro Hac Vice by Anne Whitford Stukes <i>as an attorney employed by the U.S. government</i> by on behalf of Commodity Futures Trading Commission. (Attachments: # <u>1</u> Proposed Order)(Stukes, Anne) (Entered: 09/20/2022)
09/20/2022	<u>10</u>	

		MOTION to Transfer Case by Commodity Futures Trading Commission. (Druding, Kyle) (Entered: 09/20/2022)
09/22/2022	<u>9</u>	NOTICE of Attorney Appearance by Michael James Edney on behalf of Aristotle International, Inc., Trevor Boeckmann, Kevin Clarke, Harry Crane, Predict It, Inc., Corwin Smidt. Attorney Michael James Edney added to party Aristotle International, Inc. (pty:pla), Attorney Michael James Edney added to party Trevor Boeckmann(pty:pla), Attorney Michael James Edney added to party Kevin Clarke(pty:pla), Attorney Michael James Edney added to party Harry Crane(pty:pla), Attorney Michael James Edney added to party Predict It, Inc. (pty:pla), Attorney Michael James Edney added to party Corwin Smidt(pty:pla) (Edney, Michael) (Entered: 09/22/2022)
09/22/2022	<u>10</u>	ORDER GRANTING <u>6</u> Motion to Appear Pro Hac Vice as to KYLE MITCHELL DRUDING. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Registration is managed by the PACER Service Center Signed by Judge Lee Yeakel. (cc3) (Entered: 09/22/2022)
09/22/2022	<u>11</u>	ORDER GRANTING <u>7</u> Motion to Appear Pro Hac Vice as to ANNE W. STUKES. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Registration is managed by the PACER Service Center Signed by Judge Lee Yeakel. (cc3) (Entered: 09/22/2022)
09/30/2022	<u>12</u>	MOTION for Preliminary Injunction by Aristotle International, Inc., Trevor Boeckmann, Kevin Clarke, Harry Crane, Predict It, Inc., Corwin Smidt. (Attachments: # <u>1</u> Memorandum in Support of Plaintiffs' Motion for a Preliminary Injunction, # <u>2</u> Appendix to the Memorandum in Support of a Preliminary Injunction, # <u>3</u> Proposed Order)(Edney, Michael) (Entered: 09/30/2022)
10/04/2022	<u>13</u>	Memorandum in Opposition to Motion, filed by Aristotle International, Inc., Trevor Boeckmann, Kevin Clarke, Harry Crane, Predict It, Inc., Corwin Smidt, re <u>8</u> MOTION to Transfer Case filed by Defendant Commodity Futures Trading Commission (Edney, Michael) (Entered: 10/04/2022)
10/06/2022	<u>14</u>	ORDER REFERRING MOTION: <u>8</u> MOTION to Transfer Case and <u>13</u> Memorandum in Opposition to Motion, re <u>8</u> MOTION to Transfer Case. Signed by Judge Lee Yeakel. Referral Magistrate Judge: Mark Lane. (cc3) (Entered: 10/06/2022)
10/06/2022	<u>15</u>	AMENDED COMPLAINT <i>FOR DECLARATORY AND INJUNCTIVE RELIEF</i> against Commodity Futures Trading Commission amending <u>1</u> Complaint,, filed by Predict It, Inc., Corwin Smidt, Kevin Clarke, Harry Crane, Trevor Boeckmann, Aristotle International, Inc.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Edney, Michael) (Entered: 10/06/2022)
10/11/2022	<u>16</u>	REPLY to Response to Motion, filed by Commodity Futures Trading Commission, re <u>8</u> MOTION to Transfer Case filed by Defendant Commodity Futures Trading Commission (Druding, Kyle) (Entered: 10/11/2022)
10/13/2022	<u>17</u>	Response in Opposition to Motion, filed by Commodity Futures Trading Commission, re <u>12</u> MOTION for Preliminary Injunction filed by Plaintiff Predict It, Inc., Plaintiff Corwin Smidt, Plaintiff Kevin Clarke, Plaintiff Aristotle International, Inc., Plaintiff Harry Crane, Plaintiff Trevor Boeckmann (Druding, Kyle) (Entered: 10/13/2022)
10/20/2022	<u>18</u>	REPLY to Response to Motion, filed by Aristotle International, Inc., Michael Beeler, Trevor Boeckmann, Mark Borghi, Kevin Clarke, Harry Crane, Richard Hanania, James D Miller, Josiah Neeley, Predict It, Inc., Grant Schneider, Wes Shepherd, Corwin Smidt, re <u>12</u> MOTION for Preliminary Injunction filed by Plaintiff Predict It, Inc., Plaintiff Corwin Smidt, Plaintiff Kevin Clarke, Plaintiff Aristotle International, Inc., Plaintiff Harry Crane, Plaintiff Trevor Boeckmann (Attachments: # <u>1</u> Exhibit A (NADEX Order), # <u>2</u> Exhibit B (Victoria University of Wellington Ltr), # <u>3</u> Appendix Request for Hearing on Motion for Preliminary Injunction)(Edney, Michael)

		(Entered: 10/20/2022)
10/28/2022	<u>19</u>	MOTION to Dismiss by Commodity Futures Trading Commission. (Druding, Kyle) (Entered: 10/28/2022)
11/14/2022	<u>20</u>	ORDER Setting Hearing on <u>8</u> Defendant's Opposed MOTION to Transfer Venue: Motion Hearing set for 12/1/2022 at 10:00 AM before Judge Mark Lane. Signed by Judge Mark Lane. (jv2) (Entered: 11/14/2022)
11/14/2022	<u>21</u>	Response in Opposition to Motion, filed by Aristotle International, Inc., Michael Beeler, Trevor Boeckmann, Mark Borghi, Kevin Clarke, Harry Crane, Richard Hanania, James D Miller, Josiah Neeley, Predict It, Inc., Grant Schneider, Wes Shepherd, Corwin Smidt, re <u>19</u> MOTION to Dismiss filed by Defendant Commodity Futures Trading Commission (Edney, Michael) (Entered: 11/14/2022)
11/18/2022	<u>22</u>	ORDER REFERRING MOTION: <u>19</u> MOTION to Dismiss and <u>21</u> Plaintiff's Memorandum in Opposition to Motion to Dismiss. Signed by Judge Lee Yeakel. Referral Magistrate Judge: Mark Lane. (cc3) (Entered: 11/18/2022)
11/18/2022	<u>23</u>	MOTION to Expedite <i>Hearing and Resolution of Plaintiffs' Motion for Preliminary Injunction</i> by Aristotle International, Inc., Michael Beeler, Trevor Boeckmann, Mark Borghi, Kevin Clarke, Harry Crane, Richard Hanania, James D Miller, Josiah Neeley, Predict It, Inc., Grant Schneider, Wes Shepherd, Corwin Smidt. (Attachments: # <u>1</u> Proposed Order PROPOSED ORDER, # <u>2</u> Exhibit 1 – Clarke Declaration, # <u>3</u> Exhibit 2 – Phillips Declaration)(Edney, Michael) (Entered: 11/18/2022)
11/21/2022	<u>24</u>	ORDER SETTING HEARING on <u>19</u> MOTION to Dismiss : for 12/1/2022 at 10:00 AM before Judge Mark Lane. Signed by Judge Mark Lane. (cc3) (Entered: 11/21/2022)
11/21/2022	<u>25</u>	REPLY to Response to Motion, filed by Commodity Futures Trading Commission, re <u>19</u> MOTION to Dismiss filed by Defendant Commodity Futures Trading Commission (Druding, Kyle) (Entered: 11/21/2022)
11/25/2022	<u>26</u>	Response in Opposition to Motion, filed by Commodity Futures Trading Commission, re <u>23</u> MOTION to Expedite <i>Hearing and Resolution of Plaintiffs' Motion for Preliminary Injunction</i> filed by Plaintiff James D Miller, Plaintiff Kevin Clarke, Plaintiff Michael Beeler, Plaintiff Harry Crane, Plaintiff Mark Borghi, Plaintiff Wes Shepherd, Plaintiff Trevor Boeckmann, Plaintiff Corwin Smidt, Plaintiff Predict It, Inc., Plaintiff Aristotle International, Inc., Plaintiff Grant Schneider, Plaintiff Josiah Neeley, Plaintiff Richard Hanania (Druding, Kyle) (Entered: 11/25/2022)
11/28/2022	<u>27</u>	REPLY to Response to Motion, filed by Aristotle International, Inc., Michael Beeler, Trevor Boeckmann, Mark Borghi, Kevin Clarke, Harry Crane, Richard Hanania, James D Miller, Josiah Neeley, Predict It, Inc., Grant Schneider, Wes Shepherd, Corwin Smidt, re <u>23</u> MOTION to Expedite <i>Hearing and Resolution of Plaintiffs' Motion for Preliminary Injunction</i> filed by Plaintiff James D Miller, Plaintiff Kevin Clarke, Plaintiff Michael Beeler, Plaintiff Harry Crane, Plaintiff Mark Borghi, Plaintiff Wes Shepherd, Plaintiff Trevor Boeckmann, Plaintiff Corwin Smidt, Plaintiff Predict It, Inc., Plaintiff Aristotle International, Inc., Plaintiff Grant Schneider, Plaintiff Josiah Neeley, Plaintiff Richard Hanania (Edney, Michael) (Entered: 11/28/2022)
11/30/2022	<u>28</u>	CERTIFICATE OF SERVICE by Aristotle International, Inc., Michael Beeler, Trevor Boeckmann, Mark Borghi, Kevin Clarke, Harry Crane, Richard Hanania, James D Miller, Josiah Neeley, Predict It, Inc., Grant Schneider, Wes Shepherd, Corwin Smidt <u>5</u> Summons Issued, <u>2</u> Request for Issuance of Summons (Byron, John) (Entered: 11/30/2022)
12/01/2022	<u>29</u>	Minute Entry for proceedings held before Judge Mark Lane: Motion Hearing held on 12/1/2022 re <u>19</u> MOTION to Dismiss filed by Commodity Futures Trading Commission, <u>8</u> MOTION to Transfer Case filed by Commodity Futures Trading Commission. Written order forthcoming. (Minute entry documents are not available electronically) (Court Reporter FTR GOLD – ERO)(cc3) (Entered: 12/01/2022)

		12/01/2022)
12/08/2022	<u>30</u>	MOTION for Leave to File Supplemental Memorandum in Opposition to Defendant's Motions to Transfer and Dismiss by Aristotle International, Inc., Michael Beeler, Trevor Boeckmann, Mark Borghi, Kevin Clarke, Harry Crane, Richard Hanania, James D Miller, Josiah Neeley, Predict It, Inc., Grant Schneider, Wes Shepherd, Corwin Smidt. (Attachments: # <u>1</u> Proposed Order Proposed Order Granting Motion for Leave to File Supplemental Memorandum, # <u>2</u> Exhibit Supplemental Memorandum in Opposition to Defendant's Motion to Transfer and Dismiss, # <u>3</u> Exhibit Ex. 1 to Supplemental Memorandum (Clarke Declaration), # <u>4</u> Exhibit Ex. 2 to Supplemental Memorandum (Lowery Declaration), # <u>5</u> Exhibit Ex. 3 to Supplemental Memorandum (Anunciato v. Trump), # <u>6</u> Exhibit Ex. 4 to Supplemental Memorandum (Data Marketing Pship v. Dept. of Labor)), # <u>7</u> Exhibit Ex. 5 to Supplemental Memorandum (Nat. Assoc. of Manufacturers v. SEC))(Edney, Michael) (Entered: 12/08/2022)
12/12/2022	<u>31</u>	REPORT AND RECOMMENDATIONS re <u>8</u> Motion to Transfer Case and DENYING <u>30</u> MOTION for Leave to File Supplemental Memorandum in Opposition to Defendant's Motions to Transfer and Dismiss. Signed by Judge Mark Lane. (cc3) (Entered: 12/12/2022)
12/23/2022	<u>32</u>	Appeal of Order entered by District Judge <u>14</u> , <u>22</u> by Aristotle International, Inc., Michael Beeler, Trevor Boeckmann, Mark Borghi, Kevin Clarke, Harry Crane, Richard Hanania, James D Miller, Josiah Neeley, Predict It, Inc., Grant Schneider, Wes Shepherd, Corwin Smidt. ( Filing fee \$ 505 receipt number ATXWDC-16896749) (Edney, Michael) (Entered: 12/23/2022)
12/27/2022	<u>I</u>	NOTICE OF APPEAL following <u>32</u> Notice of Appeal (E-Filed), by Harry Crane. Filing fee \$ 505, receipt number ATXWDC-16896749. Per 5th Circuit rules, the appellant has 14 days, from the filing of the Notice of Appeal, to order the transcript. To order a transcript, the appellant should fill out a ( <u>Transcript Order</u> ) and follow the instructions set out on the form. This form is available in the Clerk's Office or by clicking the hyperlink above. (cc3) (Entered: 12/27/2022)
12/27/2022	<u>33</u>	OBJECTION to <u>31</u> Report and Recommendations by Aristotle International, Inc., Michael Beeler, Trevor Boeckmann, Mark Borghi, Kevin Clarke, Harry Crane, Richard Hanania, James D Miller, Josiah Neeley, Predict It, Inc., Grant Schneider, Wes Shepherd, Corwin Smidt.. (Attachments: # <u>1</u> Exhibit Hearing Transcript (Excerpts))(Edney, Michael) (Entered: 12/27/2022)
12/29/2022	<u>34</u>	Transcript filed of Proceedings held on December 1, 2022, Proceedings Transcribed: Motions Hearing. Court Reporter/Transcriber: Arlinda Rodriguez, Telephone number: 512-391-8791. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed Redaction Request due 1/19/2023, Redacted Transcript Deadline set for 1/30/2023, Release of Transcript Restriction set for 3/29/2023, Appeal Record due by 1/13/2023, (Rodriguez, Arlinda) (Entered: 12/29/2022)
01/12/2023	<u>35</u>	NOTICE of <i>Petition for a Writ of Mandamus</i> by Aristotle International, Inc., Michael Beeler, Trevor Boeckmann, Mark Borghi, Kevin Clarke, Harry Crane, Richard Hanania, James D Miller, Josiah Neeley, Predict It, Inc., Grant Schneider, Wes Shepherd, Corwin Smidt (Attachments: # <u>1</u> Motion for Injunction Pending Appeal or, in the alternative, Petition for a Writ of Mandamus, # <u>2</u> Reply in Support of that Motion)(Edney, Michael) (Entered: 01/12/2023)
01/16/2023	<u>I</u>	Certification of the Electronic Record on Appeal has been accepted by the 5th Circuit re Notice of Appeal. Attorneys are advised that they may now download the EROA from the Fifth Circuit CM/ECF site by following these instructions <u>here</u> (klw) (Entered: 01/16/2023)
01/26/2023	<u>36</u>	ORDER of USCA ; re Notice of Appeal (cc3) (Entered: 01/27/2023)

04/27/2023	<u>37</u>	ORDER REASSIGNING CASE. Case reassigned to Judge David A. Ezra for all proceedings. Judge Lee Yeakel no longer assigned to case. Signed by Judge Lee Yeakel. (cc3) (Entered: 04/28/2023)
05/12/2023	<u>38</u>	ORDER Denying without Prejudice subject to Re-urging Defendant Commodity Futures Trading Commissions <u>8</u> Opposed Motion to Transfer Venue; ORDER Denying without Prejudice subject to Re-urging Defendant Commodity Futures Trading Commissions <u>19</u> Motion to Dismiss; ORDER Constructively DENYING Plaintiffs' <u>12</u> Motion for Preliminary Injunction, with reference to Plaintiffs' <u>32</u> Notice of Appeal; and ORDER Denying as MOOT Plaintiffs' <u>23</u> Motion to Expedite Hearing on Plaintiffs Motion for Preliminary Injunction. Signed by Judge David A. Ezra. (cc3) (Entered: 05/12/2023)
05/26/2023	<u>39</u>	Unopposed MOTION to Withdraw as Attorney ( <i>Kyle Druding</i> ) by Commodity Futures Trading Commission. (Attachments: # <u>1</u> Proposed Order)(Stukes, Anne) (Entered: 05/26/2023)
05/30/2023	<u>40</u>	MOTION to Appear Pro Hac Vice by Martin B. White by on behalf of Commodity Futures Trading Commission. (Attachments: # <u>1</u> Proposed Order)(White, Martin) (Entered: 05/30/2023)
05/31/2023	<u>I</u>	Text Order GRANTING <u>39</u> Motion to Withdraw as Attorney. It is further ORDERED that the Clerk will remove Kyle M. Druding from the official service list in this case. Entered by Judge David A. Ezra. (This is a text-only entry generated by the court. There is no document associated with this entry.) (lc) (Entered: 05/31/2023)
05/31/2023	<u>41</u>	ORDER GRANTING <u>40</u> Motion to Appear Pro Hac Vice as to MARTIN B. WHITE. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Registration is managed by the PACER Service Center Signed by Judge David A. Ezra. (cc3) (Entered: 05/31/2023)
08/16/2023	<u>I</u>	Motions No Longer Referred: <u>19</u> MOTION to Dismiss (klw) (Entered: 08/16/2023)
09/12/2023	<u>42</u>	Certified copy of USCA JUDGMENT/MANDATE Reversing and REMANDING back to the District Court as to <u>32</u> Notice of Appeal (E-Filed), filed by James D Miller, Kevin Clarke, Michael Beeler, Harry Crane, Mark Borghi, Wes Shepherd, Trevor Boeckmann, Corwin Smidt, Predict It, Inc., Aristotle International, Inc., Grant Schneider, Josiah Neeley, Richard Hanania. ORDER that defendant-appellee pay to plaintiffs-appellants the costs on appeal to be taxed by the Clerk of this Court.(klw) (Entered: 09/12/2023)
09/13/2023	<u>43</u>	ORDER re <u>42</u> USCA Judgment/Mandate. Signed by Judge David A. Ezra. (cc3) (Entered: 09/13/2023)
09/22/2023	<u>44</u>	Proposed Order <i>Granting Updated Preliminary Injunction – filed in response to <u>43</u> Order</i> by Aristotle International, Inc., Michael Beeler, Trevor Boeckmann, Mark Borghi, Kevin Clarke, Harry Crane, Richard Hanania, James D Miller, Josiah Neeley, Predict It, Inc., Grant Schneider, Wes Shepherd, Corwin Smidt. (Edney, Michael) (Entered: 09/22/2023)
09/25/2023	<u>45</u>	ORDER GRANTING Plaintiffs' Motion for Preliminary Injunction. Signed by Judge David A. Ezra. (cc3) (Entered: 09/25/2023)
09/28/2023	<u>46</u>	MOTION to Amend/Correct <u>45</u> Order <i>granting motion for preliminary injunction</i> by Commodity Futures Trading Commission. (Attachments: # <u>1</u> Proposed Order amending preliminary injunction order)(White, Martin) (Entered: 09/28/2023)
10/04/2023	<u>47</u>	Scheduling Recommendations ( <i>Agreed Joint</i> ) by Commodity Futures Trading Commission. (White, Martin) (Entered: 10/04/2023)
10/10/2023	<u>I</u>	Text Order GRANTING <u>46</u> Motion to Amend/Correct Order on Preliminary Injunction. The amended Order will be entered separately. Entered by Judge David A. Ezra. (This is a text-only entry generated by the court. There is no document associated with this entry.) (lc) (Entered: 10/10/2023)



		10/10/2023)
10/10/2023	<u>48</u>	AMENDED ORDER Granting Plaintiffs' Motion for Preliminary Injunction. Signed by Judge David A. Ezra. (cc3) (Entered: 10/10/2023)
10/13/2023	<u>49</u>	NOTICE of Filing in Addition to Joint Scheduling Recommendations by Commodity Futures Trading Commission (White, Martin) (Entered: 10/13/2023)
10/13/2023	<u>50</u>	MOTION to Change Venue by Commodity Futures Trading Commission. (White, Martin) (Entered: 10/13/2023)
10/20/2023	<u>51</u>	NOTICE of Intent to Oppose the Defendant's Renewed Motion to Transfer Venue by Aristotle International, Inc., Michael Beeler, Trevor Boeckmann, Mark Borghi, Kevin Clarke, Harry Crane, Richard Hanania, James D Miller, Josiah Neeley, Predict It, Inc., Grant Schneider, Wes Shepherd, Corwin Smidt re <u>50</u> MOTION to Change Venue (Edney, Michael) (Entered: 10/20/2023)
10/27/2023	<u>52</u>	Memorandum in Opposition to Motion, filed by Aristotle International, Inc., Michael Beeler, Trevor Boeckmann, Mark Borghi, Kevin Clarke, Harry Crane, Richard Hanania, James D Miller, Josiah Neeley, Predict It, Inc., Grant Schneider, Wes Shepherd, Corwin Smidt, re <u>50</u> MOTION to Change Venue filed by Defendant Commodity Futures Trading Commission (Edney, Michael) (Entered: 10/27/2023)
11/01/2023	<u>53</u>	STATUS REPORT (JOINT) REGARDING PLAINTIFFS' FILING OF A SECOND AMENDED COMPLAINT by Aristotle International, Inc., Michael Beeler, Trevor Boeckmann, Mark Borghi, Kevin Clarke, Harry Crane, Richard Hanania, James D Miller, Josiah Neeley, Predict It, Inc., Grant Schneider, Wes Shepherd, Corwin Smidt. (Edney, Michael) (Entered: 11/01/2023)
11/03/2023	<u>54</u>	REPLY to Response to Motion, filed by Commodity Futures Trading Commission, re <u>50</u> MOTION to Change Venue filed by Defendant Commodity Futures Trading Commission (White, Martin) (Entered: 11/03/2023)
11/27/2023	<u>55</u>	AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF against Commodity Futures Trading Commission amending <u>15</u> Amended Complaint,, filed by Predict It, Inc., Wes Shepherd, Richard Hanania, James D Miller, Harry Crane, Michael Beeler, Trevor Boeckmann, Corwin Smidt, Kevin Clarke, Grant Schneider, Josiah Neeley, Mark Borghi, Aristotle International, Inc.. (Attachments: # <u>1</u> Exhibit No Action Letter, # <u>2</u> Exhibit Revocation Letter, # <u>3</u> Exhibit March Action, # <u>4</u> Exhibit Victoria Request Letter, # <u>5</u> Exhibit Fifth Circuit Opinion)(Edney, Michael) (Entered: 11/27/2023)
11/29/2023	<u>56</u>	Consent MOTION for Extension of Time to File <i>Answer or dispositive or partially dispositive motion in response to Second Amended Complaint (Dkt. 55)</i> by Commodity Futures Trading Commission. (Attachments: # <u>1</u> Proposed Order extending time for response to Second Amended Complaint)(White, Martin) Modified on 11/29/2023 (jv2). (Entered: 11/29/2023)
11/30/2023	<u>I</u>	Text Order GRANTING <u>56</u> Motion for Extension of Time to Answer. For the reasons stated in the motion of the Commodity Futures Trading Commission to extend the time to respond to the Second Amended Complaint, any answer to the Second Amended Complaint, or dispositive or partially dispositive motion in response to the Second Amended Complaint, that otherwise would be due before January 26, 2024, may be filed on or before January 26, 2024. Entered by Judge David A. Ezra. (This is a text-only entry generated by the court. There is no document associated with this entry.) (lc) (Entered: 11/30/2023)
11/30/2023	<u>I</u>	Reset Answer Deadlines: Commodity Futures Trading Commission answer due 1/26/2024. (cc3) (Entered: 11/30/2023)
12/04/2023	<u>57</u>	Order for Scheduling Recommendations and Advisory Concerning Magistrate Judge Assignment. Signed by Judge David A. Ezra. (cc3) (Entered: 12/04/2023)

01/03/2024	<u>58</u>	Scheduling Recommendations ( <i>Joint by All Parties</i> ) by Commodity Futures Trading Commission. (White, Martin) (Entered: 01/03/2024)
01/04/2024	<u>59</u>	Consent MOTION for Extension of Time to File Answer to <i>Second Amended Complaint or Dispositive Motion</i> by Commodity Futures Trading Commission. (Attachments: # <u>1</u> Proposed Order Extending Time to File Answer or Dispositive Motion)(White, Martin) (Entered: 01/04/2024)
01/05/2024	<u>I</u>	Text Order GRANTING <u>59</u> Motion for Extension of Time to Answer. Responsive pleading due on or before Feb. 26, 2024. Entered by Judge David A. Ezra. (This is a text-only entry generated by the court. There is no document associated with this entry.) (lc) (Entered: 01/05/2024)
01/05/2024	<u>I</u>	Reset Answer Deadline: Commodity Futures Trading Commission answer due 2/26/2024. (cc3) (Entered: 01/05/2024)
01/10/2024	<u>60</u>	MOTION to Expedite <i>Consideration of Motion to Transfer Venue, Dkt. 50</i> , by Commodity Futures Trading Commission. (Attachments: # <u>1</u> Proposed Order granting Motion to Expedite Consideration of Transfer Motion)(White, Martin) (Entered: 01/10/2024)
01/16/2024	<u>61</u>	ORDER GRANTING <u>50</u> MOTION to Change Venue ; DENYING AS MOOT <u>60</u> MOTION to Expedite <i>Consideration of Motion to Transfer Venue, Dkt. 50</i> , and TRANSFERRING CASE to the U.S. District Court for the District of Columbia. Signed by Judge David A. Ezra. (cc3) (Entered: 01/17/2024)