

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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. 1:24-cv-00167-JMC

The Honorable Jia M. Cobb

**MOTION OF DEFENDANT CFTC FOR IMMEDIATE STAY OF PROCEEDINGS
PENDING RULING ON PREVIOUSLY FILED MOTION**

On February 21, 2024, the CFTC filed a motion asking for two forms of relief: (1) if this Court received a request for retransfer of the case to the Western District of Texas, it should stay proceedings until it rules on retransfer; and (2) the Court should order briefing before it rules on retransfer. Dkt. 63. A retransfer request was received on March 7, 2024. Dkt. 70. As of this filing, the Court has not yet ruled on the February 21, 2024 motion.

The CFTC therefore requests that the Court immediately stay proceedings while it considers the CFTC's earlier motion. Whether or not this Court orders briefing, an immediate stay is in the interest of the Court and all parties. Before further filings are made on matters other than retransfer, it is in everyone's interest for the parties to know which district will be the venue for the remainder of the litigation. This is so because there are differences in local rules

and circuit precedent that are likely to be relevant to the form and content of any future filings by either party. *See generally Hartline v. Sheet Metal Workers' National Pension Fund*, 286 F.3d 598, 599 (D.C. Cir. 2002) (holding that local circuit precedent governs federal law issues following transfer).

The CFTC further request that, for all matters other than any briefing this Court may order regarding retransfer, the stay should extend to a date ten days after this Court rules on the request for retransfer. Extending the stay to a date ten days after a ruling on retransfer would permit the parties to consider whether they wish to file an appeal from any ruling on retransfer by this Court.

Counsel for Plaintiffs has advised counsel for the CFTC that Plaintiffs oppose this motion.

Respectfully submitted,

/s/ Martin B. White

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CERTIFICATE OF SERVICE

I certify that on March 18, 2024, I caused the foregoing document 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
Martin B. White