

**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

**NOTICE OF VACATUR ON GROUNDS NOT RELEVANT TO THIS CASE OF
RELEVANT PRECEDENT ISSUED BY ANOTHER COURT FOLLOWING
COMPLETION OF SUPPLEMENTAL BRIEFING BY DEFENDANT CFTC**

On March 29, 2024 the CFTC informed the Court of relevant post-briefing precedent regarding venue transfer under 28 U.S.C. § 1404(a) from federal courts in the Fifth Circuit to federal courts in this district, specifically, *Chamber of Commerce of the United States of America v. Consumer Financial Protection Bureau*, No. 4:24-cv-00213-P, Dkt. 67 (N.D. Tex. March 28, 2024). This notice is to inform the Court that the Northern District of Texas decision has been vacated by the United States Court of Appeals for the Fifth Circuit on jurisdictional grounds unrelated to the merits of the district court's venue decision. *In re Fort Worth Chamber of Commerce*, No. 24-10266, Dkt. 33-1 (5th Cir. April 5, 2024). The merits of the venue decision were discussed in a concurring opinion and a dissent but the opinion for the court expressly

declined to address the venue transfer issue beyond holding that, in the circumstances of the case, the district court lacked jurisdiction to issue a transfer order due to a pending interlocutory appeal on another issue. *See id. at 2.* A copy of the Fifth Circuit decision is attached.

Respectfully submitted,

/s/ Martin B. White

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CERTIFICATE OF SERVICE

I certify that on April 8, 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