

**U.S. COMMODITY FUTURES TRADING COMMISSION**

Three Lafayette Centre
1155 21st Street, NW, Washington, DC 20581
Telephone: (202) 418-5000
Facsimile: (202) 418-5524
www.cftc.gov

The Office of the
General Counsel

Via CM/ECF

The Hon. Mark Langer
Clerk of the Court
U.S. Court of Appeals for the District of Columbia Circuit
333 Constitution Avenue, N.W.
Washington, D.C. 20001

RE: *KalshiEx LLC v. CFTC*, No. 24-5205 (D.C. Cir.)

Dear Mr. Langer,

I write, under Rule 34 of the Circuit Rules of the United States Court of Appeals for the District of Columbia, to notify the Court and counsel for Appellee that, should this Court permit, Appellant CFTC will provide copies of the attached handout to the panel and opposing counsel during the oral argument in the above-captioned case, scheduled for 2:00p.m. on September 19, 2024. While Circuit Rule 34 requires 7 days' notice, we respectfully note that oral argument was scheduled on September 16, 2024, less than seven days before argument.

The document is a single page visual aid that highlights language from the statutory provision at issue in this litigation. We respectfully submit that the document might assist the Court in considering contested issues about the meaning of certain statutory terms.

Respectfully Submitted,

/s/ Anne W. Stukes
Deputy General Counsel

Enclosure

CEA Section 5c(c)(5)(C), 7 U.S.C. § 7a-2(c)(5)(C)

(C) Special rule for review and approval of event contracts and swaps contracts

(i)Event contracts In connection with the listing of agreements, **contracts, transactions,** or swaps in excluded commodities **that are based upon the occurrence,** extent of an occurrence, or contingency ~~(other than a change in the price, rate, value, or levels of a commodity described in section 1a(2)(i) [2] of this title),~~ by a designated contract market or swap execution facility, the Commission may determine that such agreements, contracts, or transactions are contrary to the public interest **if the agreements, contracts, or transactions involve—**

(I) activity that is unlawful under any Federal or State law;

(II) terrorism;

(III) assassination;

(IV) war;

(V) gaming; or

(VI) other similar activity determined by the Commission, by rule or regulation, to be contrary to the public interest.

(ii)Prohibition

No agreement, contract, **or transaction** determined by the Commission to be contrary to the public interest under clause (i) may be **listed or made available for clearing** or trading on or through a registered entity.