

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

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,

Civil Docket No. 1:24-CV-614-DAE

The Honorable David A. Ezra

Plaintiffs,

v.

COMMODITY FUTURES TRADING
COMMISSION,

Defendant.

ADMINISTRATIVE RECORD DOCUMENT LIST

I certify that, to the best of my knowledge and belief, the documents listed below constitute the record pertaining to the issuance of CFTC Letters No. 22-08 and 23-03 by the Commodity Futures Trading Commission’s Division of Market Oversight.

Robert A. Schwartz
General Counsel
Commodity Futures Trading Commission

Dated: November 14, 2024

1. Email from counsel for Victoria University of Wellington (“Victoria University”) to CFTC Division of Market Oversight (“DMO”) re “No Action Letter on Behalf of Victoria University of Wellington” with attachments (June 25, 2014).....CFTC.001
 - 1a. Certification and Undertaking of John Phillips, as representative of Victoria University, regarding material facts set forth in Document 1b (undated)CFTC.002

- 1b. Letter from Victoria University to DMO re “Victoria University of Wellington’s Request for No-Action Letter for a Small-Scale, Not-for-Profit, Event futures Market for Educational Purposes” (June 26, 2014)..... CFTC.003-CFTC.009
- 2. Email exchange between DMO employee and counsel for Victoria University with answers to DMO questions regarding the university’s request for a no-action letter, with attachment. (August 26, 2014)..... CFTC.010-CFTC.011
 - 2a. Revised Word version of executed letter from Victoria University to DMO re “Victoria University of Wellington’s Request for No-Action Letter for a Small-Scale, Not-for-Profit, Event futures Market for Educational Purposes” (August 26, 2014) CFTC.012-CFTC.019
- 3. Email exchange between DMO employee and counsel for Victoria University re interpretation of limit on number of traders per contract in university’s request for no-action letter (September 11, 2014).....CFTC.020
- 4. No-Action Letter issued to Victoria University by DMO, CFTC Letter No. 14-130 (October 29, 2014)..... CFTC.021-CFTC.026
- 5. Email exchange between DMO employee and counsel for Victoria University, re compliance with Letter No. 14-130 (November 24, 2014) CFTC.027-CFTC.029
- 6. Email exchange between DMO employee and counsel for Victoria University re cost for trading on PredictIt market (September 14, 2015) CFTC.030-CFTC.031
- 7. Email from Victoria University Counsel to DMO staff forwarding letter from Barnard College professor re limit on number of traders on PredictIt market (January 27, 2016)CFTC.032
 - 7a. Letter from Barnard College professor re limit on number of traders on PredictIt market (January 26, 2016)..... CFTC.033-CFTC.034
- 8. Email exchange between DMO employee and counsel for Victoria University re request to modify terms of Letter No. 14-130 (February 17, 2016)..... CFTC.035-CFTC.036
- 9. Email from PredictIt policy advisor to DMO staff regarding draft request to amend Letter No. 14-130 to raise limit on number of traders in certain circumstances with attachment August 31, 2017)CFTC.037
 - 9a. Draft request to amend Letter No. 14-130 from Aristotle International, Inc. on behalf of itself and Victoria University to DMO Director (August 31, 2017) CFTC.038-CFTC.042
- 10. Email exchange between DMO staff and counsel for PredictIt re request to amend Letter No. 14-130 with attachment (September 20, 2017, August 31, 2017).....CFTC.043
 - 10a. Request for amendment to Letter No. 14-130 (August 31, 2017)CFTC.044-CFTC.048-1

11. Email exchange between DMO staff and counsel for PredictIt re request from Victoria University to amend Letter No. 14-130 with attachment (December 8, 2017) CFTC.049-CFTC.050
 - 11a. Request for amendment to Letter No. 14-130 (December 6, 2017) CFTC.051-CFTC.056
12. Email from PredictIt outside senior policy advisor to DMO staff re signed final request for amendment to Letter No. 14-130 (March 12, 2018).....CFTC.057
 - 12a. Victoria University request for amendment to Letter No. 14-130 (undated) CFTC.058-CFTC.063
13. Email from PredictIt outside senior policy advisor to DMO staff re developing data in response to questions raised in earlier call (May 7, 2018).....CFTC.064
14. Email from counsel to DMO staff re request to amend Letter No. 14-130 with attachment (May 21, 2019).....CFTC.065
 - 14a. Request to amend Letter No. 14-130 (March 29, 2019)..... CFTC.066-CFTC.075
15. Response by Aristotle International, Inc. to questions from DMO employee re PredictIt market and user data (undated) CFTC.076-CFTC.097
 - 15a. Letter to CFTC FOIA Compliance Office requesting FOIA confidential treatment for Document 16 (September 18, 2019)CFTC.098
16. Email from counsel to DMO staff re actions to deal with issues regarding limit on number of traders and resources required by Aristotle International, Inc. in connection with PredictIt market with attachment (December 4, 2019).....CFTC.099
 - 16a. Memorandum from counsel and outside senior policy advisor to DMO staff re actions to deal with issue regarding limit on number of trader and resources required by Aristotle International, Inc. in connection with PredictIt market (undated) CFTC.100-CFTC.102
17. Email exchange between counsel and DMO staff re proposal to list contracts relating to political statements at Academy Awards and other issues (January 15, January 17 and January 21, 2020)..... CFTC.103-CFTC.105
18. Email from counsel to DMO staff re proposed contracts relating to political statements at Academy Awards (January 28, 2020).....CFTC.106
19. Email exchange between DMO Director and counsel re contracts outside scope permitted by Letter No.14-130 (March 16, 2020)CFTC.107
20. Email exchange between DMO Director and counsel re proposal to list contract on date of FDA approval of Covid-19 vaccine (May 12, 2020-May 14, 2020)..... CFTC.108-CFTC.110

- 21. Email exchange between DMO Director and counsel re listing of contracts relating to Covid-19 vaccine with attachments (May 21, 2020)..... CFTC.111-CFTC.113
 - 21a. Memorandum from counsel to DMO Director re proposed prediction market on when the government will approve a Covid-19 vaccine (May 21, 2020)..... CFTC.114-CFTC.116
 - 21b. Email exchange between Victoria University counsel and DMO Chief Counsel re scope of contracts allowed by Letter No. 14-130 and apparent out-of-scope conduct (November 24, 2014) CFTC.117-CFTC.119
 - 21c. Request from counsel for FOIA confidential treatment of Document 21a (May 21, 2020)..... CFTC.120-CFTC.121
- 22. Email exchange between counsel for PredictIt and DMO Director re request to list contracts relating to timing of COVID-19 vaccine (June 8, 2020)..... CFTC.122-CFTC.123
- 23. PredictIt, Inc. document with listing of contracts and other PredictIt business information as of mid-2020 (undated) CFTC.124-CFTC.276
- 24. Email from CEO of Victoria University subsidiary Victoria Link Limited to DMO Director responding to request for information on arrangements in place in respect of PredictIt (April 20, 2021)CFTC.277
 - 24a. Letter from CEO of Victoria University subsidiary Victoria Link Limited to DMO Director re relationship between Victoria University, Victoria Link Limited, and Aristotle International, Inc. and arrangements in place to operate PredictIt (April 20, 2021)..... CFTC.278-CFTC.281
 - 24b. Letter requesting confidential FOIA treatment for Document 24a, information contained therein, and communications by certain persons on related subject matter (April 20, 2021) CFTC.282-CFTC.284
- 25. Email from DMO employee to Victoria University personnel re scheduling of telephone call to discuss Letter No. 14-130 and April 20, 2021 letter from CEO of Victoria Link Limited to DMO Director (Document 24a *supra*) (June 3, 2022).....CFTC.285
 - 25a. Letter No. 14-130..... CFTC.286-CFTC.291
 - 25b. April 20, 2021 letter from CEO of Victoria Link Limited to DMO Director (Document 24a *supra*) CFTC.292-CFTC.295
- 26. Email exchange between DMO staff and Victoria University personnel re scheduling of June 8, 2022, call and attendees (June 4, 2022-June 8, 2022) CFTC.296-CFTC.300

- 27. Email from counsel for Aristotle International, Inc. to DMO Director noting that Victoria University had been advised on June 8, 2022, that DMO intended to withdraw Letter No. 14-130 and stating that Aristotle International, Inc. would like to speak with DMO Director about this (June 9, 2022).....CFTC.301
- 28. Email from counsel for Victoria University to DMO staff re attendees at upcoming scheduled call (June 14, 2022).....CFTC.302
- 29. Email exchange between counsel for Aristotle International, Inc. and DMO staff re setting up call to discuss operational points regarding implementation of wind-down of PredictIt market and related matters (June 15, 2022) CFTC.303-CFTC.304
- 30. Email from counsel for Victoria University to DMO Director re the University’s proposal in response to planned withdrawal of Letter No. 14-130 with attachments (June 24, 2022).....CFTC.305
 - 30a. Supporting spreadsheet with data on current markets, contracts, outstanding shares, active users, and end dates CFTC.306-CFTC.329
 - 30b. Letter from counsel for Victoria University to DMO Director re the university’s proposal for an orderly wind-down of the PredictIt market in response to planned withdrawal of Letter No. 14-130 (June 24, 2022) CFTC.330-CFTC.336
- 31. Email from Victoria University counsel to DMO Director re information and comment following up on meeting on June 24, 2022 with attachment (June 27, 2022)..... CFTC.337-CFTC.338
 - 31a. Letter from Victoria University counsel to DMO Director re further information and comments regarding DMO planned withdrawal of Letter No. 14-130 and the university’s proposal for an orderly wind-down of the PredictIt market (June 27, 2022) CFTC.339-CFTC.343
- 32. Email exchange between Victoria University counsel and DMO Director re extension of date of planned withdrawal of Letter No. 14-130 (June 28, 2022)..... CFTC.344-CFTC.345
- 33. Email exchange among Victoria University counsel, Aristotle International, Inc. counsel and DMO staff re meeting to discuss renewal of certain short-term PredictIt market contracts in light of planned withdrawal of Letter No. 14-130 (June 28, June 29, 2022) CFTC.346-CFTC.349
- 34. Email exchange between Victoria University counsel and DMO staff re call to discuss modified wind-down proposal for PredictIt market (July 6, July 11, 2022)..... CFTC.350-CFTC.354
- 35. Email from Victoria University counsel to DMO Director re university’s modified proposal for wind-down of PredictIt market with attachment (July 13, 2022) CFTC.355-CFTC.359

- 35a. Letter from Victoria University counsel to DMO Director re university’s modified proposal for wind-down of PredictIt market (July 13, 2022) CFTC.360-CFTC.365
- 36. Email from Victoria University counsel to DMO staff regarding role of certain Victoria Link Limited employee and contractor with respect to PredictIt market (July 15, 2022)CFTC.366
- 37. Email exchange between DMO Director and Victoria University counsel re timing of issuance by DMO of letter withdrawing Letter No. 14-130 (August 4, 2022) CFTC.367-CFTC.368
- 38. Email from DMO staff to Victoria University counsel re letter withdrawing Letter No. 14-130 with attachment (August 4, 2022).....CFTC.369
- 38a. CFTC Letter No. 22-08 from DMO Director to Victoria University Vice-Provost withdrawing Letter No. 14-130 (August 4, 2022) CFTC.370-CFTC.371
- 39. Email from DMO Director to Victoria University Vice-Provost re DMO letter withdrawing and superseding Letter No. 22-08 with attachment (March 2, 2023)CFTC.372
- 39a. CFTC Letter No. 23-03 from DMO Director to Victoria University Vice-Provost withdrawing and superseding Letter No. 22-08, stating that DMO preliminarily believes that Letter No. 14-130 is void and should be withdrawn based on certain apparent conduct, and inviting response from university (March 2, 2023)..... CFTC.373-CFTC.379
- 40. Email exchange between Victoria University Vice-Provost and DMO Director confirming receipt of Letter No. 23-03 (March 2, 2023)..... CFTC.380-CFTC.381
- 41. Email from Victoria University counsel to DMO Director re letter requesting extension of time to respond to Letter No. 23-03 with attachment (March 13, 2023).....CFTC.382
- 41a. Letter from Victoria University counsel to DMO Director requesting extension of time to respond to Letter No. 23-03 (March 14, 2023) CFTC.383
- 42. Email exchange between Victoria University counsel and DMO Director granting extension of time to respond to Letter No. 23-03 (March 13,14, 2023)CFTC.384
- 43. Email from Victoria University counsel to DMO Director attaching university’s response to Letter No. 23-03 with attachment (April 5, 2023)..... CFTC.385
- 43a. Victoria University response to Letter 23-03 (April 6, 2023) CFTC.386-CFTC.420