

**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,

Plaintiffs,

v.

COMMODITY FUTURES TRADING
COMMISSION,

Defendant.

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

The Honorable David A. Ezra

**CFTC NOTICE OF PRODUCTION OF ADMINISTRATIVE RECORD
TO PLAINTIFFS' COUNSEL**

The Commodity Futures Trading Commission hereby notifies the Court that, on November 24, 2024, it produced to plaintiffs' counsel a copy of the documents in the administrative record for the issuance by the CFTC's Division of Market Oversight ("DMO") of CFTC Letters No. 22-08 and 23-03, the DMO letters challenged in this case. It also provided plaintiffs' counsel with a certified list of the record documents. A copy of that list is also being filed with the Court as an exhibit to this notice.

This notice is for the information of the Court and does not change the position of the CFTC that the Court should decide this case based on the pleadings, as set forth in the CFTC's Motion for Judgment on the Pleadings (Dkt. 82) and Reply in Support of Motion for Judgment on the Pleadings (Dkt. 97).

Respectfully submitted,

/s/ Martin B. White

Robert A. Schwartz (D.C. Bar No. 489240)

General Counsel

Anne W. Stukes (D.C. Bar. No. 469446)

Deputy General Counsel

Martin B. White (D.C. Bar. No. 221259)

Senior Assistant General Counsel

U.S. COMMODITY FUTURES TRADING
COMMISSION

Three Lafayette Centre

1155 21st Street, N.W.

Washington, DC 20581

Phone: (202) 993-1390

Fax: (202) 418-5567

mwhite@cftc.gov

CERTIFICATE OF SERVICE

I certify that on November 20, 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