

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

KEVIN CLARKE, et al.

*Plaintiffs,*

v.

COMMODITY FUTURES TRADING  
COMMISSION,

*Defendant.*

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Cause No. 1:24-cv-00614-DAE

The Honorable David A. Ezra

The Honorable Mark Lane,  
Magistrate Judge

**JOINT MOTION TO MODIFY BRIEFING SCHEDULE ON CFTC'S MOTION FOR  
PROTECTIVE ORDER AND PLAINTIFFS' MOTION TO COMPEL**

On November 29, 2024, Defendant filed a Motion for a Protective Order requesting that the Court stay or limit discovery. On December 2, 2024, Plaintiffs filed a Motion to Compel seeking the production of documents from Defendant. The Parties jointly request that the Court enter an order modifying the response and reply brief deadlines imposed by Local Rule CV-7 for these two motions by briefly extending the seven-day deadline for the filing of responses. Lead counsel for the Defendant CFTC will be out of town and unavailable for several days during the normal response period under Rule CV-7. The parties request the following schedule:

- Plaintiffs' response to Defendants' Motion for a Protective Order, and Defendants' response to Plaintiffs' Motion to Compel, shall be filed on or before December 13, 2024.
- Reply briefs on these motions shall be filed on or before December 20, 2024.

Respectfully submitted by counsel for Plaintiffs and Defendant,

<p><u>/s/ Carlin R. Metzger</u></p> <p>Carlin R. Metzger (Illinois Bar No. 6275516) Assistant General Counsel</p> <p>Anne W. Stukes (D.C. Bar. No. 469446) Deputy General Counsel</p> <p>Martin B. White (D.C. Bar. No. 221259) Senior Assistant General Counsel U.S. COMMODITY FUTURES TRADING COMMISSION</p> <p>Three Lafayette Centre 1155 21st Street, N.W. Washington, DC 20581 Phone: (312) 596-0536 Fax: (202) 418-5567 cmetzger@cftc.gov</p>	<p><u>/s/ Michael J. Edney</u></p> <p>Michael J. Edney Hunton Andrews Kurth LLP 2200 Pennsylvania Avenue, NW Washington, DC 20037 T: (202) 778-2204 medney@huntonak.com Attorney for Plaintiffs Kevin Clarke, Trevor Boeckmann, Harry Crane, Corwin Smidt, Aristotle International, Inc., Predict It, Inc., Michael Beeler, Mark Borghi, Richard Hanania, James D. Miller, Josiah Neeley, Grant Schneider, and Wes Shepherd</p>
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 4, 2024, a copy of the foregoing was filed electronically and was served on counsel of record through the Court's electronic case filing/case management (ECF/CM) system.

/s/ Carlin R. Metzger

Carlin R. Metzger,  
Assistant General Counsel  
U.S. COMMODITY FUTURES TRADING  
COMMISSION