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.

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

The Honorable David A. Ezra

The Honorable Mark Lane, Magistrate Judge

[proposed] ORDER GRANTING MOTION FOR RELIEF FROM REQUIREMENT THAT PARTIES ENGAGE IN ALTERNATIVE DISPUTE RESOLUTION

On December 6, 2024, Defendant Commodity Futures Trading Commission ("CFTC") filed a Motion for Relief from the Relief from Requirement that Parties Engage in Alternative Dispute Resolution. In this motion, the CFTC requests an order exempting the parties from the requirement of Local Rule CV-88 that they engage in alternative dispute resolution, and from the requirement in the Scheduling Order (ECF No. 94) that the parties report on alternative dispute resolution by December 15, 2024. In the alternative, the CFTC requests that the Court stay the deadline for engaging in and reporting on alternative dispute resolution efforts until the Court has ruled on the CFTC's Motion for Judgment on the Pleadings (ECF No. 82).

The CFTC asserts that engaging in and reporting on alternative dispute resolution would be inefficient and likely futile because the CFTC has already asked the Court to grant judgment in favor of the Plaintiffs in its Motion for Judgment on the Pleadings. The Court, having reviewed the motion, finds that the CFTC has shown good cause to relieve the parties from the requirement that they engage in and report on alternative dispute resolution, and the motion is

GRANTED. The parties are exempted from the requirement of Local Rule CV-88 that the parties engage in alternative dispute resolution, and the parties are excused from the requirement in the Scheduling Order that they report on alternative dispute resolution efforts by December 15, 2024.

SIGNED this the _____ day of _____ 2024.

David A. Ezra
United States District Judge