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

Magistrate Judge Mark Lane

CONSENT MOTION OF CFTC FOR EXTENSION OF TIME TO FILE RESPONSE TO PLAINTIFFS' MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT

Defendant Commodity Futures Trading Commission ("CFTC') hereby moves for a two-week extension of time to file the CFTC's response to Plaintiffs' Motion for Leave to File Third Amended Complaint, filed on January 6, 2025 (ECF No. 117). The extended due date would be February 3, 2025. Counsel for Plaintiffs has advised the CFTC that Plaintiffs consent to this motion.

The CFTC's response is currently due on January 20, 2025, since the proposed Third Amended Complaint would substantively add to the claims and parties in the case. *See* Local Rule CV-7(D)(2). An extension of time is necessary because the current Chair of the CFTC has announced that he is leaving that position on January 20, 2025. We expect a new acting Chair to take office on or shortly after that date. As a result, any needed consultation by CFTC counsel with CFTC leadership in connection with the CFTC's response, or any needed action by the CFTC Commissioners, is likely to require more time than usual.

Respectfully submitted,

mwhite@cftc.gov

/s/ Martin B. White Martin B. White (D.C. Bar. No. 221259) Senior Assistant General Counsel

Anne W. Stukes (D.C. Bar. No. 469446) Deputy General Counsel Carlin R. Metzger (Illinois Bar No. 6275516) 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

CERTIFICATE OF SERVICE

I certify that on January 15, 2025, 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, Assistant General Counsel U.S. COMMODITY FUTURES TRADING COMMISSION