

**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,
District Judge

Magistrate Judge Mark Lane

DECLARATION OF VINCENT MCGONAGLE

I, Vincent McGonagle, declare as follows:

1. I am currently Principal Deputy Director of the Commodity Futures Trading Commission's Division of Enforcement. I was the Director of the Commodity Futures Trading Commission's Division of Market Oversight (DMO) when the DMO issued CFTC Letters 22-08 and 23-03.

2. I have reviewed the documents in the Administrative Record produced by the Commission in this matter on November 14, 2024. I also have reviewed the documents in the Supplemental Administrative Record that the Commission is producing on March 7, 2025, and the documents listed on the Privilege Log prepared by the Commission's attorneys in this matter.

3. To the best of my knowledge and belief, the documents in the Administrative Record, the Supplemental Administrative Record, and listed in the Privilege Log, are a true and complete record of the documents that were before the DMO (the documents that were

considered by me and other staff and Directors of the DMO in connection with the issuance of Letters 22-08 and 23-03) when I signed Letters 22-08 and 23-03 on behalf of the DMO.

I declare under penalty of perjury that the foregoing is true and accurate.

Executed on March 7, 2025

Vincent McGonagle
Principal Deputy Director, Division of Enforcement
Commodity Futures Trading Commission