

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

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-00614-DAE

The Honorable David Alan Ezra

**JOINT MOTION TO CONTINUE HEARING
IN LIGHT OF SETTLEMENT DISCUSSIONS**

The Defendant Commodity Futures Trading Commission and the Plaintiffs Kevin Clarke, PredictIt, Inc. and all the others respectfully and jointly request that this Court continue the hearing on pending motions set for April 11, 2025, for a period of four weeks to a time convenient for the Court. ECF 132. The parties make this joint request because of substantive and serious settlement discussions between the parties that may result in a consensual resolution of this matter and obviate the need for the Court to decide the motions that would be the subject of the hearing.

The Court entered on the docket an order setting the hearing in question one business day ago, on Friday, April 4, 2025. *Id.* The hearing has been set to address the pending CFTC motion for judgment on the pleadings and the Plaintiffs' motion to amend their complaint. ECF 82 & 117. During the two weeks prior to this Court's April 4 scheduling order, the parties have been engaged

in serious and substantive discussions to resolve this matter. Counsel for the parties have reduced the settlement concepts to writing and are negotiating the details thereof. Counsel for the parties intend to work diligently towards an agreement that may resolve this matter. Such a resolution, if reached, would obviate the need for the Court to spend judicial resources holding a hearing and resolving the pending motions, freeing those resources for other important matters before the Court.

The parties are also aware that the Court has certain timetables regarding pending motions. If it would facilitate the requested continuance, the parties hereby consent to the Court staying the pending motions for the four-week period of the continuance. The parties, therefore, jointly request that the Court continue the April 11, 2025, hearing to a date convenient for the Court approximately four weeks later.

Dated: April 7, 2025

Respectfully submitted,

/s/ Carlin R. Metzger

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CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2025, 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/ Michael J. Edney

Michael J. Edney