

**IN THE UNITED STATES COURT OF APPEALS FOR
THE DISTRICT OF COLUMBIA CIRCUIT**

KALSHIEX LLC,

Appellee/Plaintiff,

v.

COMMODITY FUTURES TRADING
COMMISSION,

Appellant/Defendant.

No. 24-5205

(Appeal from Case No. 1:23-cv-03257)

**APPELLANT COMMODITY FUTURES TRADING COMMISSION'S
UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL**

Appellant the Commodity Futures Trading Commission (“Commission”), pursuant to Federal Rule of Appellate Procedure 39 and 42(b) and Circuit Rule 39 and 42(b), hereby moves that this appeal be voluntarily dismissed, on terms agreed upon by the parties in the attached Joint Stipulation, namely that each party will bear its own costs, court fees and attorney fees incurred in the proceedings before this Court, the district court, and in administrative proceedings before the Commission, and Appellee KalshiEx LLC (“Kalshi”) waives any and all claims relating to or arising from litigation of this matter before this Court, the district court, or administrative proceedings before the Commission, that Kalshi may have under: (1) the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412,

and/or the rules promulgated by the Commission in conformity therewith, Part 148 of the Regulations, 17 C.F.R. pt. 148 (2024), relating to, or arising from, this action; and (2) the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. No. 104-121, tit. II, §§ 201–253, 110 Stat. 847, 857–74 (codified as amended at 28 U.S.C. § 2412 and in scattered sections of 5 U.S.C. and 15 U.S.C.).

Dated: May 5, 2025

Respectfully submitted,

COMMODITY FUTURES
TRADING COMMISSION

By: /s/Anne W. Stukes
One of its Attorneys

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CERTIFICATE OF COMPLIANCE

I hereby certify under Fed. R. App. P. 32(g)(1) the following:

1. This document complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(A) because it contains 206 words, as counted by the word processing software Microsoft Word.
2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5)-(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word, in Times New Roman 14-point type.

Dated: May 5, 2025

/s/ Anne W. Stukes

CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2025, I served the foregoing Motion on counsel of record using this Court's CM/ECF system.

/s/ Anne W. Stukes

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JOINT STIPULATION

The Appellant Commodity Futures Trading Commission (“Commission”) and Appellee KalshiEx LLC (“Kalshi”) stipulate, pursuant to Federal Rule of Appellate Procedure 39 and 42(b) and Circuit Rule 39 and 42(b), that this appeal be dismissed, with each party to bear its own costs, court fees and attorney fees incurred in the proceedings before this Court, the district court, and in administrative proceedings before the Commission.

The parties further stipulate that Kalshi waives any and all claims relating to or arising from litigation of this matter before this Court, the district court, or administrative proceedings before the Commission, that Kalshi may have under:

(1) the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and/or

the rules promulgated by the Commission in conformity therewith, Part 148 of the Regulations, 17 C.F.R. pt. 148 (2024), relating to, or arising from, this action; and (2) the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. No. 104-121, tit. II, §§ 201–253, 110 Stat. 847, 857–74 (codified as amended at 28 U.S.C. § 2412 and in scattered sections of 5 U.S.C. and 15 U.S.C.).

Dated: May 5, 2025

Respectfully submitted,

KALSHIEX LLC

COMMODITY FUTURES
TRADING COMMISSION

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