

1 Thomas L. Simek (DC Bar #57268)
2 Anthony C. Biagioli (MO Bar # 72434)
3 Attorneys for Plaintiff
4 COMMODITY FUTURES TRADING COMMISSION
5 2600 Grand Boulevard, Suite 210
6 Kansas City, MO 64108
7 Telephone: (816) 960-7700
8 tsimek@cftc.gov
9 abiagioli@cftc.gov

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Commodity Futures Trading Commission,
Plaintiff,
v.
Ooki DAO (formerly d/b/a bZx DAO), an
unincorporated association,
Defendant.

CIVIL ACTION NO: 3:22-cv-05416-
WHO
Hon. William H. Orrick
PLAINTIFF’S ADMINISTRATIVE
MOTION TO SUPPLEMENT
MOTION FOR ALTERNATIVE
SERVICE AGAINST DEFENDANT
OOKI DAO

Pursuant to Civil L.R. 7-11, Plaintiff Commodity Futures Trading Commission (“Commission”) hereby files this Administrative Motion to Supplement Motion for Alternative Service Against Defendant Ooki DAO (“Motion to Supplement”).

The Commission filed its Motion for Alternative Service Against Defendant Ooki DAO (“Motion for Alternative Service”) on September 27, 2022 (see ECF No. 11). Shortly after filing the Motion for Alternative Service, the Commission discovered that, approximately contemporaneous with or shortly after the Commission filed the Motion for Alternative Service,

1 a post appeared in the Ooki DAO’s Online Forum (forum.ooki.com) titled “Future of Ooki
2 DAO” and discussing the Commission’s litigation against the Ooki DAO. *See* Declaration of
3 Brittne Snyder (“Snyder Declaration”) ¶ 4. This demonstrates clear awareness by the Ooki DAO
4 and its members of the Commission’s action. Thus, in the Commission’s view, this is relevant to
5 the Court’s consideration of whether to grant the Motion for Alternative Service because it
6 demonstrates the Ooki DAO’s actual notice of the action. The Commission thus requests that the
7 Court consider this additional fact when deciding the Motion for Alternative Service.
8

9 Pursuant to Civil L.R. 7-11(a), the Commission states that it has not obtained a
10 stipulation regarding this Motion to Supplement because the Ooki DAO has not responded to
11 repeated requests to contact the Commission to discuss this litigation. *See* Snyder Declaration ¶
12 5.
13

14
15 Dated: September 27, 2022

Respectfully submitted,

16 **COMMODITY FUTURES TRADING**
17 **COMMISSION**

18
19 By: /s/ Anthony C. Biagioli
20 Tom Simek (DC Bar # 57268), tsimek@cftc.gov
21 TRIAL COUNSEL
22 Anthony C. Biagioli (MO Bar # 72434),
23 abiagioli@cftc.gov
24 Attorneys for Plaintiff
25 COMMODITY FUTURES TRADING
26 COMMISSION
27 2600 Grand Boulevard, Suite 210
28 Kansas City, MO 64108
(816) 960-7700

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Certificate of Service

I hereby certify that on September 27, 2022, I caused a copy of the foregoing to be filed with the Clerk of the Court via the CM/ECF system as well as provided to the Defendant Ooki DAO through the Ooki DAO’s Help Chat Box on the Ooki DAO website as well as by posting the foregoing to the Ooki DAO’s Online Forum.

/s/ Anthony C. Biagioli
Counsel for Plaintiff