

EXHIBIT 1

Biagioli, Anthony

From: Gottlieb, Jason <jgottlieb@morrisoncohen.com>
Sent: Wednesday, December 14, 2022 2:59 PM
To: Biagioli, Anthony; Simek, Thomas
Cc: Isaacs, Daniel C.; etung@jonesday.com; ihanna@jonesday.com; jburnham@jonesday.com; jsterling@jonesday.com; rodrigo@paradigm.xyz; smoniz@brownrudnick.com; spalley@brownrudnick.com; rolla@sullcrom.com; ostragerae@sullcrom.com; richa2dj@gmail.com; mcdonaldj@sullcrom.com; oswell@sullcrom.com; benjamin.naftalis@lw.com; douglas.yatter@lw.com; matt.rawlinson@lw.com; samir.deger-sen@lw.com
Subject: [EXTERNAL] RE: Service of Ooki DAO Litigation Papers on Bean and Kistner

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Tony,

Thanks for reaching out.

I am authorized to accept these papers on behalf of Bean and Kistner, **in their personal and individual capacities**. However, needless to say, Bean and Kistner are not parties to the CFTC v. Ooki DAO litigation. And Bean and Kistner are **not** authorized to accept service on behalf of anyone else, including the Ooki DAO. So I don't think "serving" them personally would constitute effective service on "the DAO."

In particular, as you no doubt recall, the settlement between our clients states (at page 14, Section 3(3)f): "Respondents shall cease all participation in the governance, operation, or any other activities of the Ooki DAO. Without limitation, Respondents shall not make proposals, directly or indirectly through others, related to Ooki DAO governance; or vote any Ooki Tokens they own or control."

As a result, Bean and Kistner no longer have any involvement with the governance of the Ooki DAO. Accordingly, Bean and Kistner are not authorized to accept service on behalf of "the Ooki DAO" -- **nor could they be**.

Moreover, the settlement between our clients was a settlement of all charges against them in connection with the Ooki DAO. I do not know whether you can settle all charges against two specific members of an alleged group, and then serve the group by serving those members. I suspect not.

I have not done the legal research on these questions to know whether the service you have been ordered to attempt would actually constitute good service. Ultimately, of course, that decision is for the Court. I trust that you, and the amici who have taken an interest in this case, can address these issues to the Court if you all see fit.

Best regards,
Jason

Jason P. Gottlieb

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From: Biagioli, Anthony <ABiagioli@CFTC.gov>

Sent: Wednesday, December 14, 2022 10:31 AM

To: Gottlieb, Jason <jgottlieb@morrisoncohen.com>; Isaacs, Daniel C. <disaacs@morrisoncohen.com>; Simek, Thomas <TSimek@CFTC.gov>; Biagioli, Anthony <ABiagioli@CFTC.gov>

Subject: Service of Ooki DAO Litigation Papers on Bean and Kistner

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Jason,

As you know, in the Ooki DAO litigation, Judge Orrick entered an Order (see attached ECF No. 59) stating, "The CFTC is now ORDERED to serve Bean and Kistner, in their roles as Ooki DAO Token Holders, with the complaint and all relevant documents in this case at the earliest time practicable."

Pursuant to that Order, attached are the Complaint, Summons, and all other filings downloaded from ECF in the litigation (ECF Nos. 1-60).

Please confirm that you have been authorized to accept, and do accept, service of the attached materials on behalf of Bean and Kistner.

Thank you for your assistance. Kind regards,

Tony



Anthony Biagioli

Trial Attorney, Division of Enforcement

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