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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

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12 ) **CIVIL ACTION NO: 3:22-cv-05416-**  
13 Commodity Futures Trading Commission, ) **WHO**  
14 ) **Hon. William H. Orrick**  
15 Plaintiff, )  
16 v. ) **PLAINTIFF’S REQUEST FOR**  
17 Ooki DAO (formerly d/b/a bZx DAO), an ) **CLERK’S ENTRY OF DEFAULT**  
18 unincorporated association, ) **AGAINST DEFENDANT OOKI DAO**  
19 Defendant. )  
20 \_\_\_\_\_ )

21 Pursuant to Federal Rule of Civil Procedure Rule (“Rule”) 55(a), Plaintiff  
22 Commodity Futures Trading Commission (“Plaintiff” or “CFTC”) respectfully requests a clerk’s  
23 entry of default against Defendant Ooki DAO.

24 In support of this request, the CFTC states the following:

25 1. On September 22, 2022, the Commission filed a Complaint against the Ooki DAO  
26 (formerly doing business as the bZx DAO), alleging violations of Sections 4(a) and 4d(a)(1) of  
27  
28

1 the Commodity Exchange Act (“Act”), 7 U.S.C. §§ 6(a), 6d(a)(1), and Commission Regulation  
2 (“Regulation”) 42.2, 17 C.F.R. § 42.2 (2021). ECF No. 1.

3 2. On December 20, 2022, the Court deemed service on the Ooki DAO of the  
4 Complaint and Summons in this action complete as of that date. ECF No. 63 at 21.

5 3. Pursuant to Rule 12(a)(1)(A)(i), the Ooki DAO’s answer or other responsive  
6 pleading to the Complaint was due on or before January 10, 2023.

7 4. The Ooki DAO failed to answer or otherwise defend as instructed by the  
8 Summons and as provided by the Rules. *See* Docket for Civil Case No. 3:22-cv-05416-WHO.

9 5. Rule 55(a) provides that “[w]hen a party against whom a judgment for affirmative  
10 relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or  
11 otherwise, the clerk must enter the party's default.”  
12

13 WHEREFORE, the CFTC requests a clerk’s entry of default against the Defendant Ooki  
14 DAO. A Proposed Entry of Default against the Ooki DAO is attached as Exhibit 1 to this  
15 request.  
16

17 Dated: January 11, 2023

Respectfully submitted,

18 **COMMODITY FUTURES TRADING**  
19 **COMMISSION**

20  
21 By: /s/ Anthony C. Biagioli  
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23 TRIAL COUNSEL  
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**Certificate of Service**

I hereby certify that on January 11, 2023, 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 notice of the foregoing to the Ooki DAO's Online Forum.

*/s/ Anthony C. Biagioli*  
Counsel for Plaintiff