

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

KOBRE & KIM LLP,

Plaintiff,

- v. -

COMMODITY FUTURES TRADING
COMMISSION,

Defendant.

INDEX NO. 19-cv-10151

COMPLAINT

1. Plaintiff Kobre & Kim LLP (“Plaintiff” or “Kobre & Kim”) brings this action against the Commodity Futures Trading Commission (“CFTC” or “Commission”) for unlawfully withholding documents subject to disclosure under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

NATURE OF THE ACTION

Introduction

2. This FOIA Complaint seeks documents concerning the CFTC’s unprecedented “gag” settlement in the landmark case, *U.S. Commodity Futures Trading Comm’n v. Kraft Foods Grp., Inc.*, Case No. 15-cv-2881 (N.D. Ill.) (hereafter, “*Kraft*”). The documents in Plaintiff’s original FOIA request will shed light on a question of great public interest: why did the CFTC, the nation’s principal regulator of commodities and derivatives markets, try to conceal the factual and legal bases for its litigation settlement with Kraft Foods Group Inc. and Mondelēz Global LLC (collectively, “Kraft”) and agree never to discuss that settlement in public? At least two

Commissioners publicly disavowed the CFTC's decision to keep silent on the settlement, and the public deserves to understand the full story behind these extraordinary events.

3. To date, the CFTC has refused to even respond to Kobre & Kim's FOIA request, thus signaling that it intends to double down on its original inclination to keep the circumstances surrounding its settlement with Kraft under a veil of secrecy, even to the point of disregarding federal law.

4. The CFTC's secret settlement in the *Kraft* case, like its handling of other recent market manipulation cases, is a disservice to the industry the CFTC oversees. It is just the latest example of the CFTC obfuscating the law on market manipulation by pressing legal theories that are inconsistent with what the courts have articulated and using its leverage to secure private settlements purportedly validating the CFTC's own theories.

5. To this point, the CFTC has left the public in the dark about how the CFTC applied its anti-manipulation authority to a fact pattern it litigated for over four years. Beyond seeding concerns across the industry over arbitrary enforcement, the CFTC's actions threaten to chill legitimate market behavior while failing to deter potential misconduct in the future. Unless and until the CFTC provides a full accounting of the attempted *Kraft* settlement, the public cannot have reasonable confidence that the agency is discharging its core mission of fostering open, transparent, and competitive markets.

Summary

6. *Kraft* was the first litigated case brought by the CFTC under Section 6(c)(1) of the Commodity Exchange Act ("CEA"), as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank"),¹ and implementing Rule 180.1.² The commodities and

¹ 7 U.S.C. § 9(1).

² 17 C.F.R. § 180.1.

derivatives trading industry, as well as legal practitioners in the field, have been closely monitoring the *Kraft* case for guidance about how the CFTC would interpret and apply this new legal authority.

7. The *Kraft* case took on heightened importance following the CFTC's loss in another market manipulation case, *U.S. Commodity Futures Trading Comm'n v. DRW Investments, LLC*, Case No. 13-cv-7884 (RJS) (S.D.N.Y.), in November 2018. Following a bench trial in the *DRW* case, Judge Sullivan rejected the CFTC's theory of manipulation, stating that it was "only the CFTC's Enforcement Division that has persisted in its cry of market manipulation, based on little more than an 'earth is flat'-style conviction that such manipulation must have happened because the market remained illiquid." 2018 WL 6322024, at *21. The CFTC subsequently declined to appeal Judge Sullivan's decision in *DRW*.

8. Following the Court's rejection of the CFTC's manipulation theory in *DRW*, the industry was at a loss regarding what the CFTC would (or would not) deem to be manipulation in the future. Many in the industry were looking to the *Kraft* case for that guidance.

9. The CFTC responded to its defeat in *DRW* by further obscuring the law, abandoning its four-year litigation against *Kraft* in favor of a settlement in which the CFTC made no public findings of fact or conclusions of law. Worse, the CFTC agreed as part of the settlement not to make any public statements about the case in the future, ensuring that large swaths of the rationale for the settlement would remain insulated from public oversight. In effect, the CFTC negotiated a private resolution that left the industry without any intelligible guidance and with a potential misimpression that the legal theories asserted against *Kraft* had a sound legal basis.

10. Two of the CFTC's own Commissioners swiftly spoke out against the gag provision in the settlement. On August 15, 2019, the day after the settlement was announced, Commissioners Dan M. Berkovitz and Rostin Behnam issued a joint statement (the "Berkovitz-Behnam

Statement”) criticizing the settlement’s “unusual features.” Recognizing that “CFTC enforcement actions not only punish violations of the law and deter future misconduct by the party to the action, but also provide guidance to the public about the agency’s interpretation of its laws,” the Commissioners explained that they, “as public officials, ***must be able to explain to Congress and the public*** the basis for the sanctions obtained, as well as the rationale for entering into a settlement agreement rather than pursuing litigation” (emphasis added). This is particularly true “in settlements where there are no evidentiary findings,” because “***it is critical that a Commissioner be able to speak*** publicly about his or her reasons for determining that the law has been violated, why the agreed penalties are appropriate, and why the agency did not obtain findings of fact or proceed to trial” (emphasis added). Commissioners Berkovitz and Behnam concluded that “***the public has a right to know*** whether federal agencies are obtaining appropriate remedies when the law is violated” (emphasis added).

11. The Commission as a whole also issued its own statement (the “Commission Statement”) regarding why it had agreed to a gag provision as part of the *Kraft* settlement. The Commission stated that its decision to approve the settlement “was based on the fact that while this provision . . . limits what *the Commission* . . . can say about the *Kraft* litigation, it *does not restrict individual Commissioners* when speaking in their personal capacities” (emphasis added). Highlighting just how extraordinary the gag provision was, the Commission emphasized that “[w]e do not expect the Commission to agree to similar language in the future[.]” It remains unclear why a gag provision that (a) has no precedent in prior CFTC settlements and (b) apparently will never be repeated again was appropriate for the *Kraft* case.

12. The Berkovitz-Behnam Statement and the Commission Statement are attached to this Complaint as Exhibits A and B, respectively. These Statements were posted to the CFTC’s website, along with other press releases discussing the gag settlement, on August 15, 2019.

13. Thereafter, in another bizarre turn of events, the CFTC swiftly scrubbed both the Berkovitz-Behnam Statement and the Commission Statement from its website within hours of their posting, apparently disavowing the Commission’s own stated explanation for why it had been willing to accept the gag provision in the first place. As of the date this filing, the circumstances surrounding these Statements, including their posting on the CFTC’s website and subsequent deletion, remain shrouded in mystery.

14. The Berkovitz-Behnam Statement and the Commission Statement quickly became the subject of collateral litigation in the U.S. District Court for the Northern District of Illinois, which, in turn, prompted the CFTC to seek the extraordinary relief of a writ of mandamus from the U.S. Court of Appeals for the Seventh Circuit to prevent the District Court from holding an evidentiary hearing on the actions of the CFTC and its Commissioners.

15. Consistent with its secretive approach to resolving the *Kraft* case, the CFTC sought to have its petition before the Seventh Circuit litigated under seal. The Seventh Circuit, however, rejected that sealing application. In an October 22, 2019 Opinion issued by Judge Easterbrook, the Seventh Circuit made clear that it had “ordered all of the papers to be placed in the public record” and emphasized that “a confidentiality clause in [a] litigants’ agreement does not authorize secret adjudication.”

16. The day after the Seventh Circuit’s ruling, the District Court vacated the settlement. Likewise recognizing the importance of transparency, the District Court emphasized that “no secret adjudication has been, or will be, authorized.”

17. Ultimately, these unusual proceedings only underscore the pressing need to understand the circumstances surrounding the CFTC's attempted settlement of the *Kraft* case. The Seventh Circuit, the District Court, Commissioners Berkovitz and Behnam, and the Commission itself have now all acknowledged the public's right to know.

18. Plaintiff sent a FOIA request covering these issues to the CFTC on August 21, 2019. A copy of that Request is attached to this Complaint as Exhibit C. The CFTC has not responded to the Request. As such, Kobre & Kim brings this action to enforce its statutory rights under FOIA.

PARTIES

19. Plaintiff Kobre & Kim LLP is a New York Limited Liability Partnership. Kobre & Kim LLP is a law firm focused on disputes and investigations, with its principal place of business at 800 Third Avenue, New York, New York 10022.

20. Defendant United States Commodity Futures Trading Commission is an agency of the federal government within the meaning of 5 U.S.C. § 551 and 5 U.S.C. § 552(f). The Commission's headquarters are located at 1155 21st Street, NW Washington, D.C. 20581. The Commission's stated mission is to foster open, transparent, and competitive markets. To this end, the Commission is empowered to police certain markets for manipulation, among other trading practices. The Commission has possession and/or control of the records Kobre & Kim seeks.

JURISDICTION AND VENUE

21. This Court has subject matter jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

22. Venue lies in this district pursuant to 5 U.S.C. § 552(a)(4)(B) because Kobre & Kim has its principal place of business in the Southern District of New York.

23. The Commission failed to meet its statutory duty to respond to Kobre & Kim's FOIA Request within twenty working days. Therefore, Kobre & Kim is entitled to appeal in this Court pursuant to 5 U.S.C. § 552(a)(6)(C).

FACTS

The CFTC's (Largely Unsuccessful) Pre-Dodd-Frank Manipulation Results

24. The CFTC has a lengthy history of asserting aggressive market manipulation theories with little to no grounding in the law. Former CFTC Commissioner Bart Chilton complained in 2009 that "in the CFTC's 35-year history we have only successfully prosecuted and won a single case of manipulation in the futures markets."

25. In July 2007, the CFTC filed a market manipulation complaint against Brian Hunter, a natural gas trader at Amaranth Advisors. After seven years of litigation, the CFTC eventually settled its claims against Mr. Hunter without making any findings of fact or conclusions of law. Senators Dianne Feinstein, Maria Cantwell, and Carl Levin responded to the settlement by raising "concerns about whether the CFTC's authority as currently exercised can effectively regulate energy markets."

26. The CFTC's next litigated market-manipulation case was filed in November 2013 against DRW Trading and its founder, Donald Wilson. Following a bench trial in December 2016, Judge Sullivan issued a decision rebuking the Commission and the Enforcement Division for failing to present a coherent theory of artificial price:

It is not illegal to be smarter than your counterparties in a swap transaction, nor is it improper to understand a financial product better than the people who invented that product. In the summer and fall of 2010, [the Defendant] believed that he comprehended the true value of the Three-Month Contract better than anyone else [...]. He didn't need to manipulate the market to capitalize on that superior knowledge, and there is absolutely no evidence to suggest that he ever did so in the months that followed.

It is only the CFTC's Enforcement Division that has persisted in its cry of market manipulation, based on little more than an "earth is flat"-style conviction that such manipulation must have happened because the market remained illiquid. Clearly, that is not enough to prove market manipulation or attempted market manipulation, and the CFTC has simply failed to meet its burden on any cause of action.

See DRW, No. 13-cv-7884 (RJS), 2018 WL 6322024 at *21 (S.D.N.Y. November 30, 2018) (emphasis added).

27. In the wake of the *DRW* case, industry participants were perplexed about how to distinguish lawful trading from unlawful market manipulation. The CFTC had published no meaningful guidance on the subject and was instead pursuing a "regulation through litigation" strategy. But the CFTC's litigations were not providing meaningful guidance either. To the contrary, the arbitrary and discredited manipulation theories pursued by the CFTC in test cases like *DRW* and *Hunter* were only fueling more confusion.

The Dodd-Frank Amendments

28. Congress added a new Section 6(c)(1) to the CEA as part of Dodd-Frank in 2010. 7 U.S.C. § 9(1). In introducing the relevant Dodd-Frank amendment, Senator Cantwell complained that "[i]n the 35 years of its history, the CFTC has only successfully prosecuted one single case of manipulation."

29. Section 6(c)(1) now makes it unlawful for "any person, directly or indirectly, to use or employ, or attempt to use or employ, in connection with any swap, or a contract of sale of any commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity, any manipulative or deceptive device or contrivance, in contravention of" Commission Regulations.

30. In an effort to implement Section 6(c)(1), the Commission enacted Rule 180.1 in 2011. Rule 180.1 prohibits, in relevant part, "any person, directly or indirectly, in connection with

any swap, or contract of sale of any commodity in interstate commerce, or contract for future delivery on or subject to the rules of any registered entity, to intentionally or recklessly: (1) Use or employ, or attempt to use or employ, any manipulative device, scheme, or artifice to defraud.” 17 C.F.R. § 180.1.

31. The Commission has stated that Section 6(c)(1) and Rule 180.1 were intended to “*augment* the Commission’s existing authority to prohibit fraud and manipulation.” To date, however, the Commission has issued virtually no meaningful guidance about how it intends to interpret and apply these newly “augmented” standards in the context of market manipulation, or how the new standards are different from the old ones. And the Commission has issued no guidance at all since its theories of manipulation and artificial price were rejected in *DRW*.

The Kraft Case

32. The CFTC sued Kraft for market manipulation under Section 6(c)(1) and Rule 180.1 in April 2015. *Kraft* was the CFTC’s first litigated case applying these new provisions to allegations of market manipulation.³ In the absence of other meaningful guidance, the industry was closely monitoring the case for insight about how the CFTC would interpret and apply these new provisions, particularly after the result in the *DRW* case.

33. The legal theory initially advanced by the CFTC in *Kraft* was that Section 6(c)(1) and Rule 180.1 proscribe manipulation even in the absence of fraud. This theory was criticized by the District Court early in the case as essentially nonsensical. In language mirroring the Court in *DRW*, the *Kraft* Court rejected the Commission’s assertion of non-fraud based market manipulation under the new rule, describing it as so expansive as to prohibit “something as simple

³ The CFTC recently filed another market manipulation case asserting novel legal theories in September 2019, underscoring the industry’s need for notice and guidance in this area.

as ‘buy low, sell high’ trading based on market trend lines, or any other plan for trading aimed at profit making . . . ***an interpretation prohibiting such activity would be absurd***” (emphasis added).

34. Interest in the *Kraft* case grew acutely after the CFTC’s manipulation theory in *DRW* was rejected in late 2018. *Kraft* then became the industry’s most likely source of guidance about how the CFTC would apply Section 6(c)(1) and Rule 180.1 in the wake of the *DRW* decision.

35. Yet the CFTC took steps to end the *Kraft* case within weeks of the *DRW* decision. In March 2019, the Commission and Kraft informed the District Court that they had reached a “binding agreement,” with all material terms placed on the record. The Court entered a Consent Order for a monetary penalty of US \$16 million against Kraft on August 14, 2019. The settlement does not contain any findings of fact or conclusions of law, and there was no public explanation of how this number was reached or why.

36. While the CFTC’s sudden willingness to settle the *Kraft* case appears under the circumstances to have been motivated by the Court’s rejection of a similar manipulation theory in *DRW*, the CFTC has refused to provide any meaningful explanation or guidance to the public. Instead, the CFTC has sought to further obfuscate the applicable manipulation standards. In the aftermath of the *DRW* decision, CFTC Chairman J. Christopher Giancarlo issued a statement emphasizing that *DRW* involved only “the CFTC’s pre-Dodd Frank legal authority,” thus implying (without any legal basis) that the current legal standards are different in some unspecified way.

37. The industry remains in the dark as to what legal standards the CFTC applied to Kraft, what facts allegedly met those standards, or why US \$16 million was an appropriate monetary penalty. From what little information is available, the CFTC’s attempted settlement appears to have been arbitrary.

38. Making matters worse, the *Kraft* settlement purported to impose a gag order provision disallowing the parties from making “any public statement about this case other than to refer to the terms of [the] settlement agreement or public documents filed in [the] case.” Thus, the CFTC not only failed to provide meaningful guidance to the industry after four years of litigation, but it actually prohibited itself from doing so. The settlement appears to have been engineered to convey the misimpression that there was a sound legal basis for the CFTC’s manipulation theory, even though there was not.

39. On August 15, 2019, the day after the settlement was entered in the *Kraft* case, two Commissioners issued a joint statement regarding the settlement. Among other things, Commissioners Berkovitz and Behnam recognized that it is “critical that a Commissioner be able to speak publicly about his or her reasons for determining that the law has been violated, why the agreed penalties are appropriate, and why the agency did not obtain findings of fact or proceed to trial” because “*the public has a right to know whether federal agencies are obtaining appropriate remedies*” (emphasis added).

40. In addition, the Berkovitz-Behnam Statement recognized that the Commissioners have a “statutory right to publicly state their views on matters before the Commission” by virtue of Section 2(a)(10)(C) of the CEA, and that the “Commission cannot bargain this right away in settlement negotiations.”

41. While the Commissioners acknowledged that the *Kraft* settlement provided “[no] guidance to the public about the agency’s interpretation of its laws,” and thus no deterrent guidance for “similar misconduct by others,” the Berkovitz-Behnam Statement itself did nothing to remedy that problem.

42. The Commission also felt compelled to defend its opaque settlement in a public statement. In a separate statement posted on August 15, 2019, the Commission admitted that its decision to approve the gag provisions in the settlement “was based on the fact that while this provision . . . limits what *the Commission* . . . can say about the *Kraft* litigation, it *does not restrict individual Commissioners* when speaking in their personal capacities” (emphasis original).

Kraft Enforces The Gag Provision

43. Notwithstanding the Commission’s expressly stated reason for agreeing to the gag provision—that it did not gag the Commissioners themselves—the CFTC deleted the Berkovitz-Behnam Statement and the Commission Statement from its website mere hours after they were initially posted. On information and belief, the CFTC scrubbed these Statements after Kraft objected to them as violating the gag provision. Since then, the Commissioners have been unable or unwilling to make any further public statements about the settlement, leaving the public and the industry to speculate as to what transpired behind the scenes.

44. On August 16, 2019, Kraft filed a motion for contempt for violating the terms of the gag provision, alleging that the CFTC “never intended to comply with the agreement they negotiated [and] engaged in a deliberate, orchestrated effort to violate the Court’s Consent Order within minutes of its entry.” Kraft further alleged that the CFTC released the statements as part of a “coordinated effort” in order to “accomplish exactly what the CFTC specifically agreed not to do”—to state publicly that the settlement was favorable to the agency, while implying that Defendants had manipulated the market and admitted as much.

45. One day later, the CFTC responded to Kraft’s motion, arguing that the CFTC “is *prohibited* from restricting any individual Commissioner from publishing any dissenting,

concurring, or other separate opinion in connection with an official publication by the Commission.”

46. In an August 19 hearing on Kraft’s motion for contempt, the District Court ordered an evidentiary hearing on the motion, since the parties were requesting that the Court make findings of fact. Highlighting the bizarre turn this case had taken, counsel for the CFTC provisionally asserted Fifth Amendment privileges protecting against potential self-incrimination for the Commission and the Commissioners.

47. The CFTC subsequently submitted an emergency motion to vacate the evidentiary hearing, followed by a petition for a writ of mandamus with the Seventh Circuit, arguing, in part, that it was unlawful for the District Court to act as an investigator in an allegation of out-of-court contempt, that the evidentiary hearing would ignore protections for accusations of criminal wrongdoing, and that the Court could not call “high ranking” government officials to testify. On September 26, the Seventh Circuit ordered that the proceedings in the District Court be stayed, pending resolution of the mandamus petition.

48. On October 22, the Seventh Circuit issued a decision highlighting the importance of transparency. The Court determined that the CFTC cannot bar its members from sharing their regulatory reasoning; thus, Commissioners Berkovitz and Behnam are not bound by the gag order. In addition, the Seventh Circuit warned that the mere inclusion of a gag order in a settlement “does not authorize secret adjudication” of the CFTC’s manipulation allegations.

49. While the mandamus proceedings answered the questions of whether individual Commissioners are indeed bound by CFTC consent orders and whether the CFTC can enter into settlements negotiating away those rights, the documents released in connection with the mandamus petition do not offer any clarity on the Commission’s post-Dodd-Frank market

manipulation standards. In response to the Seventh Circuit's decision, the District Court vacated the settlement in *Kraft*, emphasizing that "no secret adjudication has been, or will be, authorized."

The FOIA Request Seeks Information Critical To Public Understanding

50. The "core purpose" of FOIA is to contribute "significantly to public understanding of the operations or activities of the government." *U.S. Dep't of Justice v. Reporters Comm. For Freedom of Press*, 489 U.S. 749, 775 (1989) (emphasis original).

51. Based on the current record, the public has virtually no understanding of why the CFTC attempted to settle its case against Kraft after four years of litigation; why it failed to include any findings of fact, conclusions of law, or other meaningful guidance in that settlement; why it agreed to bar itself from explaining the settlement to the public; and why it swiftly deleted public statements about the settlement by the Commission and Commissioners Berkovitz and Behnam, when their ability to discuss the settlement was the sole justification for agreeing to the gag provision in the first place.

52. On August 21, 2019, Kobre & Kim submitted the Request to the Commission's FOIA Compliance Office (the "Office") through Federal Express mail. A true and correct copy of that request is attached to this Complaint as Exhibit C.

53. On August 22, 2019, Kobre & Kim received confirmation from Federal Express that the Request was delivered to the Office. A true and correct copy of the Federal Express notice of receipt is attached to this Complaint as Exhibit D.

54. The Request seeks the following categories of documents:

- 1) All documents and communications concerning the "binding agreement" referenced in docket entry 302 of the case captioned *Kraft*, Case No. 15-cv-2881 (N.D. Ill.);
- 2) All documents and communications concerning the "Consent Order" referenced in docket entries 309 and 310 of the *Kraft* case;

- 3) All documents and communications concerning the decision by the CFTC and/or any of its staff, agents, and/or commissioners to approve the Consent Order;
- 4) All documents and communications concerning the decision by the CFTC and/or any of its staff, agents, and/or commissioners to approve the Consent Order without findings of fact or conclusions of law;
- 5) All documents and communications concerning the decision by the CFTC and/or any of its staff, agents, and/or commissioners to approve the provision in the Consent Order that states: “Neither party shall make any public statement about this case other than to refer to the terms of this settlement agreement or public documents filed in this case, except any party may take any lawful position in any legal proceeding, testimony, or by court order”;
- 6) All documents and communications concerning the preparation by the CFTC and/or any of its staff, agents, and/or commissioners of the press releases referenced in docket entry 319 of the *Kraft* case;
- 7) All documents and communications concerning the decision by the CFTC and/or any of its staff, agents, and/or commissioners to publish the press releases referenced in docket entry 319 of the *Kraft* case;
- 8) All documents and communications concerning the decision by the CFTC and/or any of its staff, agents, and/or commissioners to remove the press releases referenced in docket entry 319 of the *Kraft* case.

55. The Commission failed to respond to the Request by September 19, 2019, the twenty working day statutory deadline under 5 U.S.C. § 552(a)(6)(A).

56. To date, the Commission still has not responded to the Request. The Commission’s failure to respond to the Request within the twenty-day statutory deadline means that Kobre & Kim has constructively exhausted administrative remedies and has a right to seek relief from this Court. 5 U.S.C. § 552(a)(6)(C).

CAUSES OF ACTION

COUNT I

Violation Of FOIA For Failure To Comply With Statutory Deadlines

57. Kobre & Kim repeats, realleges, and incorporates the allegations set forth in paragraphs 1-56 as though fully set forth herein.

58. The Commission is a federal agency subject to FOIA. 5 U.S.C. § 552(f); 5 U.S.C. § 551.

59. Kobre & Kim's Request properly seeks records within the possession, custody, and/or control of the Commission under FOIA.

60. The Request complies with all applicable regulations regarding the submission of FOIA requests.

61. The Commission failed to make a determination with respect to the Request within twenty working days, as mandated by FOIA. 5 U.S.C. §552(a)(6)(A).

62. Kobre & Kim has and/or is deemed to have exhausted administrative remedies with respect to the Request.

63. The Commission's failure to make a determination with respect to the Request within the twenty working days as mandated by FOIA is a violation of its statutory obligations.

COUNT II

Violation Of FOIA For Failure To Conduct A Reasonable Search

64. Kobre & Kim repeats, realleges, and incorporates the allegations set forth in paragraphs 1-63 as though fully set forth herein.

65. The Commission is a federal agency subject to FOIA. 5 U.S.C. § 552(f); 5 U.S.C. § 551.

66. Kobre & Kim's Request properly seeks records within the possession, custody, and/or control of the Commission under FOIA.

67. The Request complies with all applicable regulations regarding the submission of FOIA requests.

68. The Commission failed to conduct a search reasonably calculated to identify all records responsive to the Request, as required by 5 U.S.C. § 552(a)(3).

69. Kobre & Kim has and/or is deemed to have exhausted administrative remedies with respect to the Request.

70. The Commission's failure to conduct a search reasonably calculated to identify all records responsive to the Request as mandated by FOIA is a violation of its statutory obligations.

COUNT III

Violation Of FOIA For Improper Withholding Of Agency Records

71. Kobre & Kim repeats, realleges, and incorporates the allegations set forth in paragraphs 1-70 as though fully set forth herein.

72. The Commission is a federal agency subject to FOIA. 5 U.S.C. § 552(f); 5 U.S.C. § 551.

73. Kobre & Kim's Request properly seeks records within the possession, custody, and/or control of the Commission under FOIA.

74. The Request complies with all applicable regulations regarding the submission of FOIA requests.

75. The Commission has not cited any exemptions to withhold records or portions thereof that are responsive to the Request.

76. The Commission has not identified whether or how disclosure of each of the requested records or portions thereof would foreseeably harm an interest protected by a FOIA exemption and/or why disclosure is prohibited under the law. *See* 5 U.S.C. § 552(a)(8)(A).

77. Records responsive to the Request are not subject to any exemption from disclosure.

78. Kobre & Kim has and/or is deemed to have exhausted administrative remedies with respect to the Request.

79. The Commission's failure to produce records responsive to the Request as mandated by FOIA is a violation of its statutory obligations.

COUNT IV

Violation Of FOIA For Failure To Produce Reasonably Segregable Information

80. Kobre & Kim repeats, realleges, and incorporates the allegations set forth in paragraphs 1-78 as though fully set forth herein.

81. The Commission is a federal agency subject to FOIA. 5 U.S.C. § 552(f); 5 U.S.C. § 551.

82. Kobre & Kim's Request properly seeks records within the possession, custody, and/or control of the Commission under FOIA.

83. The Request complies with all applicable regulations regarding the submission of FOIA requests.

84. The Commission has not cited any exemptions to withhold records or portions thereof that are responsive to the Request.

85. The Commission has not identified whether or how disclosure of each of the requested records or portions thereof would foreseeably harm an interest protected by a FOIA exemption and/or why disclosure is prohibited under the law. *See* 5 U.S.C. § 552(a)(8)(A).

86. Records responsive to the Request are not subject to any exemption from disclosure.

87. To the extent that a FOIA exemption applies to any records responsive to the Request, the Commission was required, but failed, to reasonably segregate and disclose any non-exempt materials in those records.

88. Kobre & Kim has and/or is deemed to have exhausted administrative remedies with respect to the Request.

89. The Commission's failure to reasonably segregate and disclose all non-exempt materials responsive to the Request is a violation of its statutory obligations.

REQUEST FOR RELIEF

WHEREFORE, Kobre & Kim respectfully requests this Court:

- (1) Order the Commission to immediately process Kobre & Kim's Request;
- (2) Order the Commission to conduct searches reasonably calculated to identify all records responsive to Kobre & Kim's Request and demonstrate that it employed search methods reasonably likely to lead to the discovery of all such records;
- (3) Declare that Kobre & Kim is entitled to disclosure of the records sought by the Request;
- (4) Enjoin the Commission from withholding all records or portions thereof responsive to Kobre & Kim's Request that are not specifically exempt from disclosure under FOIA;

- (5) Order the Commission to produce all records or portions thereof responsive to Kobre & Kim's Request that are not specifically exempt from disclosure under FOIA on an expedited basis by a date certain;
- (6) Order the Commission to produce an index of any responsive records withheld under any claim of exemption;
- (7) Award Kobre & Kim reasonable attorney fees and costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- (8) Grant such other relief as the Court may deem just and proper.

Dated: October 31, 2019

Respectfully submitted,

S/ Benjamin J.A. Sauter

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EXHIBIT A

SPEECHES & TESTIMONY**Statement of Commissioners Dan M. Berkovitz and Rostin Behnam Regarding the Commission's Settlement with Kraft Foods Group, Inc. and Mondelēz Global LLC
August 15, 2019**

We are voting for this settlement because we believe that Kraft Foods Group, Inc. (Kraft) manipulated the wheat market.^[1] The \$16 million penalty and injunctive relief that the Commission has obtained in this consent order is as much as the Commission could reasonably expect to obtain if it were to prevail at trial. This action demonstrates the CFTC's resolve to aggressively prosecute and punish those who manipulate or attempt to manipulate our nation's commodity markets.

The settlement agreement in this case has two unusual features that merit further explanation and comment. First, the consent order agreed to by the Commission does not contain factual findings or conclusions of law. Second, the order limits the Commission's statements in this matter to information already in the public record. As the Commission observes, however, the consent order only limits the statements of the Commission as a collective body.^[2] Individual Commissioners, speaking in their own capacities, retain their right and ability to speak fully and truthfully about this matter.

Commissioners, as public officials, must be able to explain to Congress and the public the basis for the sanctions obtained, as well as the rationale for entering into a settlement agreement rather than pursuing litigation. Although we disagree with any provision restricting the five-member Commission's capacity to make public statements, this provision does not impede our ability to provide information about this case to the public in light of each Commissioner's right to discuss this case freely.^[3]

The Commission typically requires factual findings and conclusions of law in consent orders. CFTC enforcement actions not only punish violations of the law and deter future misconduct by the party to the action, but also provide guidance to the public about the agency's interpretation of its laws, thereby deterring similar misconduct by others.^[4] Explaining to the public the factual basis for imposing a penalty not only serves to deter similar conduct in the future, but also is essential to avoid chilling legitimate market activity. "General deterrence is an exercise in communication. That is, for a sanctions regime to deter, the potential wrongdoer must be able to apprehend what conduct might give rise to a particular level of pain, in the form of a sanction."^[5]

Federal agencies often decide to settle enforcement matters without further litigation for pragmatic reasons, including the avoidance of the costs and risks associated with a trial.^[6] The Commission, like other federal agencies, may determine that resolving a case without evidentiary findings is appropriate, where the Commission believes that the settlement agreement, viewed in its entirety under the circumstances, is in the public interest.^[7] We support entering into the consent order with Kraft, despite the absence of findings of fact, because the penalty and injunctive relief imposed reflect, in our view, the gravity of Kraft's conduct.

However, particularly in settlements where there are no evidentiary findings, it is critical that a Commissioner be able to speak publicly about his or her reasons for determining that the law has been violated, why the agreed penalties are appropriate, and why the agency did not obtain findings of fact or proceed to trial. The public has a right to know whether federal agencies are obtaining appropriate remedies when the law is violated.^[8]

More generally, CFTC Commissioners must be able to freely and openly express their views on public matters. Congress has recognized the importance of such unrestrained communications by providing Commissioners with a statutory right to publicly state their views on matters before the Commission. Section 2(a)(10)(C) of the Commodity Exchange Act ("CEA") states:

Whenever the Commission issues for official publication any opinion, release, rule, order, interpretation or other determination on a matter, the Commission shall provide that any dissenting, concurring, or separate opinion by any Commissioner on the matter be published in full along with the Commission opinion, rule, order, interpretation, or determination.^[9]

The Commission cannot bargain this right away in settlement negotiations. The courts are obligated to recognize it when crafting consent orders.^[10]

Other federal agencies expressly prohibit consent or settlement agreements that restrict the agency's ability to speak about settlements or the underlying action. For example, the Department of Justice has adopted a regulation that prohibits it from entering into settlement agreements or consent decrees that are subject to a confidentiality provision in any civil matter in which the Department is representing the interests of the United States or its agencies.^[11] The Department of Justice regulation is based upon "the public's strong interest in knowing about the conduct of its Government."^[12]

In our view, in future situations, the Commission should not accept any confidentiality provisions or restrictions on the Commission's ability to make public statements.

Even where a court does not make any evidentiary findings or conclusions of law, the fact that a U.S. district court, through a consent order, imposes a civil monetary penalty demonstrates that the Commission has provided sufficient evidence to find that the defendants violated the law. Section 6c(d)(1) of the Act provides courts with "jurisdiction to impose [a civil monetary penalty], on a proper showing, *on any person found in the action to have committed any violation . . .*"^[13] Because the court can only impose civil monetary penalties in instances where the government has made a "proper showing," it must be presumed that the Commission has provided sufficient evidence to find a violation—even where the order itself does not explicitly say so. "As part of its review, the district court will necessarily establish that a factual basis exists for the proposed decree."^[14]

Judge Rakoff has put it more bluntly. In approving a settlement agreement where the defendant neither admitted nor denied the allegations, yet paid the penalty for the violation, Judge Rakoff cogently noted:

No reasonable observer of these events could doubt that the company has effectively admitted the allegations of the complaint in the way that, for a company, is particularly appropriate: by letting its moi do the talking.^[15]

In this case, it is not only Kraft's \$16 million payment that is doing the talking. The Commission is speaking loudly and clearly as well: those who manipulate or attempt to manipulate our commodity markets will be prosecuted and punished.

We thank the Division of Enforcement staff for their diligent prosecution of this matter.

We support the Commission's action today.

^[1] The basic facts underlying the Commission's case against Kraft are presented in *CFTC v. Kraft Foods Grp., Inc.*, 153 F. Supp. 3d 996 (N.D. Ill. 2015).

^[2] See Statement of the Commission (August 15, 2019), available at <https://www.cftc.gov/PressRoom/SpeechesTestimony/commissionstatement081519>

^[3] See *id.*

^[4] See, e.g., *Reddy v. CFTC*, 191 F.3d 109, 123 (2d Cir. 1999) (holding CFTC enforcement should be "to further the [CEA]'s remedial policies and to deter others in the industry from committing similar violations"); *In re First Fin. Trading, Inc.*, CFTC No. 00-35, 2002 WL 1453795, at *2, *14, *20 (July 8, 2002) (stating that CFTC has "important and delicate government function of punishing illegal conduct" and that CFTC civil penalties should serve as both specific and general deterrents) (quoting *Miller v. CFTC*, 197 F.3d 1227, 1236 (9th Cir. 1999)); cf. *SEC v. Vitesse Semiconductor Corp.*, 771 F. Supp. 2d 304, 306, 308 (S.D.N.Y. 2011) (noting that enforcement actions brought by the Securities and Exchange Commission ("SEC") serve the public interest and deter future misconduct).

[5] David M. Becker, *What More Can Be Done to Deter Violations of the Federal Securities Laws?*, 90 *Tul. L. Rev.* 1849, 1850 (2012) (citing Raymond Paternoster, *How Much Do We Really Know About Criminal Deterrence?*, 100 *J. Crim. L. & Criminology* 765, 785-86 (2010)). David Becker was General Counsel of the SEC from 2000-2002 and 2009-2011.

[6] See, e.g., *SEC v. Citigroup Glob. Mkts. Inc.*, 752 F.3d 285, 295 (2d Cir. 2014) (“Even if the Commission’s case against [defendants] is strong, proceeding to trial would still be costly. The S.E.C.’s resources are limited, and that is why it often uses consent decrees as a means of enforcement.”).

[7] See *id.* (noting that the determination of whether a consent judgment best serves the public interest is one that “rests squarely” with the federal agency and merits “significant deference”).

[8] See, e.g., *EEOC v. Erection Co.*, 900 F.2d 168, 172 (9th Cir. 1990) (Reinhardt, J. concurring in part and dissenting in part).

[9] 7 U.S.C. § 2(a)(10)(C).

[10] Appellate courts have invalidated confidentiality provisions that abrogated statutory disclosure obligations, such as that provided by CEA Section 2(a)(10)(C). See, e.g., *Ford v. City of Huntsville*, 242 F.3d 235, 241-42 (5th Cir. 2001) (vacating confidentiality order in settlement agreement between City of Huntsville and a private party). In *Ford*, the Fifth Circuit held that a federal district court judge has an obligation to consider a statute requiring disclosure of “public information” and demonstrate a “compelling reason” for entering an order that conflicts with that statute, before issuing a confidentiality order to a governmental entity. *Id.*; see also *Davis v. E. Baton Rouge Par. Sch. Bd.*, 78 F.3d 920, 931 (5th Cir. 1996) (district court abused its discretion in entering order closing school board meetings without considering confidentiality order’s effect on Louisiana law); *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 791 (3d Cir. 1994) (“[W]here a governmental entity is a party to litigation, no protective, sealing or other confidentiality order shall be entered without consideration of its effect on disclosure of government records to the public under state and federal freedom of information laws.”) (citations and alterations omitted). “When a court orders confidentiality in a suit involving a governmental entity . . . there arises a troublesome conflict between the governmental entity’s interest as a litigant and its public disclosure obligations.” *Pansy*, 23 F.3d at 791.

[11] 28 C.F.R. § 50.23.

[12] 28 C.F.R. § 50.23(b) (noting also that policy “flows from the principle of openness in government”). The U.S. Equal Employment Opportunity Commission (“EEOC”) goes even further, specifying that “the Commission must be free to respond fully to inquiries regarding the suit and resolution.” U.S. Equal Employment Opportunity Comm’n, Regional Attorneys’ Manual, Pt. 3.IV.A.2.e (Apr. 2005), available at <https://www.eeoc.gov/eeoc/litigation/manual/>.

[13] 7 U.S.C. § 13a-1(d)(1) (emphasis added). CEA Section 6c(b) provides courts with jurisdiction to impose a permanent injunction “upon a proper showing.” 7 U.S.C. § 13a-1(b).

[14] *Citigroup*, 752 F.3d at 295.

[15] *Vitesse*, 771 F. Supp. 2d at 310.

EXHIBIT B

SPEECHES & TESTIMONY

Statement of the Commission

August 15, 2019

Today the U.S. District Court for the Northern District of Illinois entered a Consent Order approved by the Commission that settles the *CFTC v. Kraft* litigation. We are pleased to bring this matter to a successful resolution, which terminates more than four years of litigation. The Consent Order results in a \$16 million civil monetary penalty—nearly three times the unlawful profit the Commission alleged the Defendants obtained—and a permanent injunction prohibiting the Defendants from engaging in future violations of several anti-manipulation provisions of the Commodity Exchange Act and Commission Regulations.

The Commission believes that the Consent Order advances our mission of fostering open, transparent, and competitive markets. In unanimously approving the settlement, our Commission considered carefully Paragraph 8 of Section I of the Consent Order, which was included at the Court's request:

“Neither party shall make any public statement about this case other than to refer to the terms of this settlement agreement or public documents filed in this case, except any party may take any lawful position in any legal proceedings, testimony or by court order.”

Our decision to approve the Consent Order was based on the fact that while this provision (hereinafter, “Paragraph 8”) limits what *the Commission* (*i.e.*, the “party” referenced in Paragraph 8) can say about the *Kraft* litigation, it does not restrict individual Commissioners when speaking in their personal capacities.^[1] The text of Paragraph 8 could not be clearer: it binds the acts of a “party,” namely the Commission as plaintiff, and Kraft Foods Group, Inc. and Mondelēz Global LLC as defendants. While other provisions—such as Section IV, Paragraph 10—do apply beyond the parties, specific language in the Consent Order makes it so.

We do not expect the Commission to agree to similar language in the future, except in limited situations where our statutory enforcement mission of preventing market manipulation is substantially advanced by the settlement terms and the public's right to know about Commission actions is not impaired.

^[1] To be sure, in binding the Commission, Paragraph 8 includes any member of our agency's staff when they act on our behalf or speak for the CFTC.

EXHIBIT C

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August 21, 2019

BY FEDERAL EXPRESS

FOIA Compliance Office
U.S. Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

Re: Freedom of Information Act Request

To FOIA Compliance Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and 17 C.F.R. § 145.7, we request the following documents and communications:

- 1) All documents and communications concerning the “binding agreement” referenced in docket entry 302 of the case captioned *U.S. C.F.T.C. v. Kraft Foods Group, Inc.*, 15-cv-2881 (N.D. Ill.) (the “Kraft Case”);¹
- 2) All documents and communications concerning the “Consent Order” referenced in docket entries 309 and 310 of the Kraft Case;²
- 3) All documents and communications concerning the decision by the CFTC and/or any of its staff, agents, and/or commissioners to approve the Consent Order;
- 4) All documents and communications concerning the decision by the CFTC and/or any of its staff, agents, and/or commissioners to approve the Consent Order without findings of fact or conclusions of law;

¹ For reference, a copy of the docket of the Kraft Case is attached hereto as Exhibit A.

² For reference, a copy of the Consent Order is attached hereto as Exhibit B.

August 21, 2019

Page 2

- 5) All documents and communications concerning the decision by the CFTC and/or any of its staff, agents, and/or commissioners to approve the provision in the Consent Order that states: "Neither party shall make any public statement about this case other than to refer to the terms of this settlement agreement or public documents filed in this case, except any party may take any lawful position in any legal proceeding, testimony, or by court order";
- 6) All documents and communications concerning the preparation by the CFTC and/or any of its staff, agents, and/or commissioners of the press releases referenced in docket entry 319 of the Kraft Case;
- 7) All documents and communications concerning the decision by the CFTC and/or any of its staff, agents, and/or commissioners to publish the press releases referenced in docket entry 319 of the Kraft Case;
- 8) All documents and communications concerning the decision by the CFTC and/or any of its staff, agents, and/or commissioners to remove the press releases referenced in docket entry 319 of the Kraft Case.

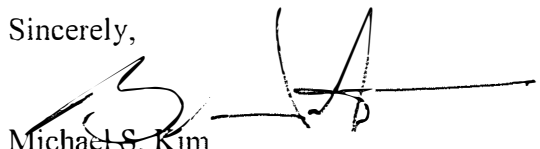
Pursuant to FOIA, 5 U.S.C. § 552(a)(6)(A), we request that the CFTC produce these records within 20 business days.

This request is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. As such, we request that any fees for this request be waived. *See* 5 U.S.C. §(a)(4)(A)(iii); 17 CFR Appendix B to Part 145(b). To the extent the Commission determines that any fees for searching or copying the records are chargeable, please supply the records without informing us of the cost if the fees do not exceed US \$5,000, which we agree to pay. Please produce these records electronically.

If you deny all or any part of this request, please cite each specific exemption you think justifies your withholding of information and notify us of appeal procedures available under the law.

Please contact us with any questions at the address above or at benjamin.sauter@kobrekim.com.

Sincerely,



Michael S. Kim
David H. McGill
Benjamin J.A. Sauter
Leanne A. Bortner

EXHIBIT A

PROTO,ROWLAND,STAYED,TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 6.3.1 (Chicago)
CIVIL DOCKET FOR CASE #: 1:15-cv-02881

US Commodity Futures Trading Commission v. Kraft Foods
Group, Inc. et al
Assigned to: Honorable John Robert Blakey
Cause: 7:6(b) Federal Commodity Exchange Regulation

Date Filed: 04/01/2015
Date Terminated: 08/15/2019
Jury Demand: Defendant
Nature of Suit: 850 Securities/Commodities
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**US Commodity Futures Trading
Commission**
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represented by **Jennifer Ellen Smiley**
Commodity Futures Trading Commission
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PRO SE

V.

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Mondelez Global LLC

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LEAD ATTORNEY
PRO HAC VICE

Aaron Stephenson Furniss
(See above for address)
TERMINATED: 10/09/2015
PRO HAC VICE

Charles Mark Kruly
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TERMINATED: 12/07/2015
PRO HAC VICE

Daniel Thomas Fenske
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TERMINATED: 01/07/2019

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ATTORNEY TO BE NOTICED

Movant**Richard Dennis****Movant****Henrik Christensen****Movant****Budicak Inc.****Movant****White Oak Fund, LP****Movant****Robert Wallace****Movant****Nathan Wallace****Movant****Kevin Brown****Movant****Joseph Caprino**

Date Filed	#	Docket Text
04/01/2015	<u>1</u>	COMPLAINT filed by US Commodity Futures Trading Commission; (Smiley, Jennifer) (Entered: 04/01/2015)
04/01/2015	<u>2</u>	ATTORNEY Appearance for Plaintiff US Commodity Futures Trading Commission by Jennifer Ellen Smiley (Smiley, Jennifer) (Entered: 04/01/2015)
04/01/2015	<u>3</u>	ATTORNEY Appearance for Plaintiff US Commodity Futures Trading Commission by Susan J. Gradman (Gradman, Susan) (Entered: 04/01/2015)
04/01/2015	<u>4</u>	ATTORNEY Appearance for Plaintiff US Commodity Futures Trading Commission by Robert Thomas Howell, III (Howell, Robert) (Entered: 04/01/2015)
04/01/2015	<u>5</u>	ATTORNEY Appearance for Plaintiff US Commodity Futures Trading Commission by Rosemary C. Hollinger (Hollinger, Rosemary) (Entered: 04/01/2015)
04/01/2015	<u>6</u>	CIVIL Cover Sheet (Smiley, Jennifer) (Entered: 04/01/2015)
04/01/2015		CASE ASSIGNED to the Honorable Robert M. Dow, Jr. Designated as Magistrate Judge

		the Honorable Mary M. Rowland. (rc,) (Entered: 04/01/2015)
04/02/2015	<u>7</u>	WAIVER OF SERVICE returned executed by US Commodity Futures Trading Commission. Kraft Foods Group, Inc. waiver sent on 4/1/2015, answer due 6/1/2015. (Smiley, Jennifer) (Entered: 04/02/2015)
04/02/2015	<u>8</u>	WAIVER OF SERVICE returned executed by US Commodity Futures Trading Commission. Mondelez Global LLC waiver sent on 4/1/2015, answer due 6/1/2015. (Smiley, Jennifer) (Entered: 04/02/2015)
04/02/2015	<u>9</u>	EXECUTIVE COMMITTEE ORDER: It appearing that, due to a clerical error case 15cv2881, was assigned in error to the Honorable Robert M. Dow, Jr., therefore IT IS HEREBY ORDERED that the assignment of 15cv2881 to the Honorable Robert M. Dow, Jr., be vacated as the assigned judge and the case shall be reassigned by lot to another judge. Case reassigned to the Honorable John Robert Blakey for all further proceedings. Signed by Executive Committee on 4/2/2015. (td,) (Entered: 04/02/2015)
04/10/2015	<u>10</u>	MOTION by Plaintiff Harry Plossfor a Finding of Relatedness (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Miller, Marvin) (Entered: 04/10/2015)
04/10/2015	<u>11</u>	NOTICE of Motion by Marvin Alan Miller for presentment of motion for miscellaneous relief <u>10</u> before Honorable John Robert Blakey on 4/16/2015 at 09:45 AM. (Miller, Marvin) (Entered: 04/10/2015)
04/13/2015	<u>12</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-10533612. (Kaufman, Gregory) (Entered: 04/13/2015)
04/13/2015	<u>13</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-10533653. (Kruly, Charles) (Entered: 04/13/2015)
04/13/2015	<u>14</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-10533688. (Tsai, Stephen) (Entered: 04/13/2015)
04/14/2015	<u>15</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-10538328. (Furniss, Aaron) (Entered: 04/14/2015)
04/15/2015	<u>16</u>	MINUTE entry before the Honorable John Robert Blakey: The motions for leave to appear pro hac vice filed by Gregory Scott Kaufman <u>12</u> , Charles Mark Kruly <u>13</u> , Stephen Thomas Tsai <u>14</u> and Aaron Stephenson Furniss <u>15</u> are granted. Mailed notice (gel,) (Entered: 04/15/2015)
04/15/2015	<u>17</u>	ATTORNEY Appearance for Defendants Kraft Foods Group, Inc., Mondelez Global LLC by Stephen Thomas Tsai (Tsai, Stephen) (Entered: 04/15/2015)
04/15/2015	<u>18</u>	ATTORNEY Appearance for Defendants Kraft Foods Group, Inc., Mondelez Global LLC by Gregory S. Kaufman (Kaufman, Gregory) (Entered: 04/15/2015)
04/15/2015	<u>19</u>	ATTORNEY Appearance for Defendants Kraft Foods Group, Inc., Mondelez Global LLC by Charles Mark Kruly (Kruly, Charles) (Entered: 04/15/2015)
04/15/2015	<u>20</u>	ATTORNEY Appearance for Defendants Kraft Foods Group, Inc., Mondelez Global LLC by Nicole Amie Allen (Allen, Nicole) (Entered: 04/15/2015)
04/15/2015	<u>21</u>	MOTION by Movant Richard Dennis to reassign case <i>Motion for a Finding of Relatedness</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Schiltz, Eugene) (Entered: 04/15/2015)
04/15/2015	<u>22</u>	NOTICE of Motion by Eugene J. Schiltz for presentment of motion to reassign case <u>21</u> before Honorable John Robert Blakey on 4/21/2015 at 09:45 AM. (Schiltz, Eugene) (Entered: 04/15/2015)

04/15/2015	<u>23</u>	ATTORNEY Appearance for Defendants Kraft Foods Group, Inc., Mondelez Global LLC by Dean Nicholas Panos (Panos, Dean) (Entered: 04/15/2015)
04/15/2015	<u>24</u>	ATTORNEY Appearance for Defendants Kraft Foods Group, Inc., Mondelez Global LLC by J. Kevin McCall (McCall, J.) (Entered: 04/15/2015)
04/15/2015	<u>25</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Kraft Foods Group, Inc. <i>and F.R.C.P. 7.1 disclosure</i> (Kruly, Charles) (Entered: 04/15/2015)
04/15/2015	<u>26</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Mondelez Global LLC <i>and F.R.C.P. 7.1 disclosure</i> (Kruly, Charles) (Entered: 04/15/2015)
04/16/2015	<u>27</u>	MINUTE entry before the Honorable John Robert Blakey: Harry Ploss' motion for a finding of relatedness <u>10</u> is entered and continued to 4/21/15 at 9:45 a.m. in Courtroom 1725. The 4/16/15 Notice of Motion date is stricken; the parties need not appear on that date. Mailed notice (gel,) (Entered: 04/16/2015)
04/16/2015	<u>28</u>	MOTION by Movant Henrik Christensen to reassign case (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Lesht, David) (Entered: 04/16/2015)
04/16/2015	<u>29</u>	NOTICE by Henrik Christensen re MOTION by Movant Henrik Christensen to reassign case <u>28</u> (Lesht, David) (Entered: 04/16/2015)
04/17/2015	<u>30</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-10551055. (Zdrojeski, Ronald) (Entered: 04/17/2015)
04/17/2015	<u>31</u>	MINUTE entry before the Honorable John Robert Blakey: Ronald W. Zdrojeski's motion for leave to appear pro hac vice <u>30</u> is granted. Mailed notice (gel,) (Entered: 04/17/2015)
04/17/2015	<u>32</u>	ATTORNEY Appearance for Defendants Kraft Foods Group, Inc., Mondelez Global LLC by Ronald W. Zdrojeski (Zdrojeski, Ronald) (Entered: 04/17/2015)
04/21/2015	<u>33</u>	MINUTE entry before the Honorable John Robert Blakey: Motion hearing held on 4/21/2015. Plaintiff's motion for a finding of relatedness <u>10</u> , Movant's motion for a finding of relatedness <u>21</u> and Movant's motion to reassign case <u>28</u> are taken under advisement, and a briefing schedule is set as follows: Responses to the motions shall be filed on or before 5/7/2015, and replies, if any, shall be filed on or before 5/14/2015. Status hearing set for 5/21/2015 at 10:30 AM in Courtroom 1725. Mailed notice (gel,) (Entered: 04/21/2015)
04/22/2015	<u>34</u>	ATTORNEY Appearance for Defendants Kraft Foods Group, Inc., Mondelez Global LLC by Aaron Stephenson Furniss (Furniss, Aaron) (Entered: 04/22/2015)
04/30/2015	<u>35</u>	MOTION by Movant Budicak Inc.Motion for a Finding of Relatedness (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Fata, Anthony) (Entered: 04/30/2015)
04/30/2015	<u>36</u>	NOTICE of Motion by Anthony F. Fata for presentment of motion for miscellaneous relief <u>35</u> before Honorable John Robert Blakey on 5/7/2015 at 09:45 AM. (Fata, Anthony) (Entered: 04/30/2015)
05/01/2015	<u>37</u>	MINUTE entry before the Honorable John Robert Blakey: Movant Budicak Inc.'s motion for a finding of relatedness <u>35</u> is entered and continued to 5/21/15. Responses to this motion should be included in the responses previously ordered by the Court, and Budicak is directed to file its reply consistent with the schedule previously set by the Court (i.e., by 5/14/15). Mailed notice (gel,) (Entered: 05/01/2015)
05/04/2015	<u>38</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file excess pages <i>and for an enlargement of time to file an answer as to the remaining charges</i> (Kruly, Charles) (Entered: 05/04/2015)

05/04/2015	<u>39</u>	<i>Unopposed</i> NOTICE of Motion by Charles Mark Kruly for presentment of motion for leave to file excess pages <u>38</u> before Honorable John Robert Blakey on 5/12/2015 at 09:45 AM. (Kruly, Charles) (Entered: 05/04/2015)
05/05/2015	<u>40</u>	MINUTE entry before the Honorable John Robert Blakey: Defendants' unopposed motion for leave to file an oversized brief in support of its partial motion to dismiss and for an enlargement of time to file an answer as to the remaining claims <u>38</u> is granted. In connection with the defendants' partial motion to dismiss, the parties may file briefs of up to 30 pages, and briefing is set as follows: defendants' partial motion to dismiss is to be filed by 6/1/15; plaintiff's response is due by 6/22/15; defendants' reply is due by 7/6/15. Defendants' answer will be due 21 days after the Court issues its decision on defendants' motion to dismiss. The 5/12/15 Notice of Motion date is stricken; the parties need not appear on that date. Mailed notice (gel,) (Entered: 05/05/2015)
05/07/2015	<u>41</u>	MOTION by Movant White Oak Fund, LP to reassign case <i>Pursuant to Local Rule 40.4</i> (Attachments: # <u>1</u> Index of Exhibits (w/ Exhibits A-B))(Kanner, Steven) (Entered: 05/07/2015)
05/07/2015	<u>42</u>	NOTICE of Motion by Steven A Kanner for presentment of motion to reassign case <u>41</u> before Honorable John Robert Blakey on 5/21/2015 at 09:45 AM. (Kanner, Steven) (Entered: 05/07/2015)
05/07/2015	<u>43</u>	RESPONSE by US Commodity Futures Trading Commission in Opposition to MOTION by Movant White Oak Fund, LP to reassign case <i>Pursuant to Local Rule 40.4</i> <u>41</u> , MOTION by Movant Richard Dennis to reassign case <i>Motion for a Finding of Relatedness</i> <u>21</u> , MOTION by Movant Henrik Christensen to reassign case <u>28</u> , MOTION by Plaintiff Harry Ploss for a Finding of Relatedness <u>10</u> , MOTION by Movant Budicak Inc. Motion for a Finding of Relatedness <u>35</u> (Smiley, Jennifer) (Entered: 05/07/2015)
05/07/2015	<u>44</u>	RESPONSE by Kraft Foods Group, Inc., Mondelez Global LLC in Opposition to MOTION by Movant Henrik Christensen to reassign case <u>28</u> , MOTION by Plaintiff Harry Ploss for a Finding of Relatedness <u>10</u> , MOTION by Movant White Oak Fund, LP to reassign case <i>Pursuant to Local Rule 40.4</i> <u>41</u> , MOTION by Movant Richard Dennis to reassign case <i>Motion for a Finding of Relatedness</i> <u>21</u> , MOTION by Movant Budicak Inc. Motion for a Finding of Relatedness <u>35</u> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Certificate of Service)(Panos, Dean) (Entered: 05/07/2015)
05/11/2015	<u>45</u>	MINUTE entry before the Honorable John Robert Blakey: White Oak Fund, LP's motion for finding of relatedness <u>41</u> is entered and continued to 5/21/15 at 10:30 a.m. in Courtroom 1725. Mailed notice (gel,) (Entered: 05/11/2015)
05/14/2015	<u>46</u>	NOTICE by Anthony F. Fata of Change of Address (Fata, Anthony) (Entered: 05/14/2015)
05/14/2015	<u>47</u>	MOTION by Movants Robert Wallace, Nathan Wallace, Kevin Brown, Joseph Caprino to reassign case <i>Pursuant to Local Rule 40.4</i> (Attachments: # <u>1</u> Index of Exhibits (with Exhibits A-B))(Kanner, Steven) (Entered: 05/14/2015)
05/14/2015	<u>48</u>	NOTICE of Motion by Steven A Kanner for presentment of motion to reassign case <u>47</u> before Honorable John Robert Blakey on 5/21/2015 at 09:45 AM. (Kanner, Steven) (Entered: 05/14/2015)
05/14/2015	<u>49</u>	REPLY by Movant Budicak Inc. to motion for miscellaneous relief <u>35</u> <i>Movant's Reply Memorandum in Support of Motion for Reassignment</i> (Fata, Anthony) (Entered: 05/14/2015)
05/14/2015	<u>50</u>	REPLY by Plaintiff Harry Ploss to motion to reassign case <u>21</u> , motion to reassign case

		<u>28</u> , motion for miscellaneous relief <u>10</u> (Lovell, Christopher) (Entered: 05/14/2015)
05/15/2015	<u>51</u>	MINUTE entry before the Honorable John Robert Blakey: The motions to reassign filed by White Oak Fund LP <u>41</u> and Robert Wallace, Nathan Wallace, Kevin Brown and Joseph Caprino <u>47</u> are entered and continued to 5/21/15 at 10:30 a.m. in Courtroom 1725. Mailed notice (gel,) (Entered: 05/15/2015)
05/19/2015	<u>52</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to file instanter <i>surreply</i> (Attachments: # <u>1</u> Exhibit A)(Panos, Dean) (Entered: 05/19/2015)
05/19/2015	<u>53</u>	MINUTE entry before the Honorable John Robert Blakey: Defendants' motion for leave to file instanter sur-reply <u>52</u> is granted. Defendants are directed to file the sur-reply as a separate docket entry. Mailed notice (gel,) (Entered: 05/19/2015)
05/19/2015	<u>54</u>	SUR-REPLY by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to reply <u>50</u> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Panos, Dean) (Entered: 05/19/2015)
05/21/2015	<u>55</u>	MINUTE entry before the Honorable John Robert Blakey: Status and motion hearing held. For the reasons stated in open court, the Court finds that the following cases are related, as that term is defined in Local Rule 40.4(a): Ploss v. Kraft Foods Group, 15 C 2937; Dennis v. Kraft Foods Group, 15 C 3155; Christensen v. Kraft Foods Group, 15 C 3367; Budicak Inc. v. Kraft Foods Group, 15 C 3639; White Oak Fund v. Kraft Foods Group, 15 C 3517; and Wallace v. Kraft Foods Group, 15 C 4226. Nevertheless, the Court denies the motions for reassignment under Local Rule 40.4(b). For cases to be reassigned under this Rule, all of the enumerated criteria must be met. Here, they are not. First, consolidation of these cases is not likely to result in a substantial saving of judicial time and effort. On the contrary, although there is some overlap in terms of the parties and the issues involved, the CFTC seeks different relief than the private plaintiffs and alleges violations of different sections of the CEA than at least some of the plaintiffs. Indeed, there are significant differences even amongst the private plaintiff cases. Although all allege violations of the CEA, some also allege antitrust claims, while others do not; and some allege unjust enrichment claims and aiding and abetting claims, while others do not. The addition of these claims would significantly expand the scope of proceedings beyond the CFTC's claims. Additionally, the private plaintiff cases will all involve class action discovery and proceedings related to Rule 23. Again, there is a wide swing amongst the private plaintiff cases in terms of how the various classes are defined. The complaint filed in the Ploss case, for example, defines the class period narrowly, to include a period of two months, while some of the other complaints, including those filed in the Dennis, Christensen and Budicak cases, define the class period more broadly, to include a period of 11 years. But in all cases, class discovery and proceedings will no doubt be expansive, expensive and totally irrelevant to the case brought by the CFTC. Second, the Court is not persuaded that the cases are susceptible of disposition in a single proceeding. The most obvious issue is the fact that the private plaintiffs have all demanded a jury, and the CFTC has not. That fact, combined with the differences in the specific claims raised and the relief sought, persuades the Court that trying to combine the cases into a single proceeding would be impractical and problematic. Far from streamlining the proceedings, any reassignment and consolidation would actually complicate and confuse the different matters. For these reasons, the following motions seeking findings of relatedness and reassignment are denied: <u>10</u> in Ploss v. Kraft Foods Group, 15 C 2937; <u>21</u> in Dennis v. Kraft Foods Group, 15 C 3155; <u>28</u> in Christensen v. Kraft Foods Group, 15 C 3367; <u>35</u> in Budicak Inc. v. Kraft Foods Group, 15 C 3639; <u>41</u> in White Oak Fund v. Kraft Foods Group, 15 C 3517; and <u>47</u> in Wallace v. Kraft Foods Group, 15 C 4226. This case is set for a status hearing 6/29/15 at 9:45 a.m. in Courtroom 1725. At that time, the parties should be prepared to set case management dates, including discovery deadlines. Mailed notice (gel,) (Entered: 05/21/2015)

06/01/2015	<u>56</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>On Counts I and II of the Complaint</i> (Kaufman, Gregory) (Entered: 06/01/2015)
06/01/2015	<u>57</u>	MEMORANDUM by Kraft Foods Group, Inc., Mondelez Global LLC in support of Motion to Dismiss for Failure to State a Claim <u>56</u> <i>on Counts I and II of the Complaint</i> (Kaufman, Gregory) (Entered: 06/01/2015)
06/01/2015	<u>58</u>	NOTICE of Filing Motion by Gregory S. Kaufman for presentment of (Kaufman, Gregory) Docket text modified on 6/2/2015 by Clerk's Office. (tlm). (Entered: 06/01/2015)
06/02/2015	<u>59</u>	MINUTE entry before the Honorable John Robert Blakey: Briefing on defendants' partial motion to dismiss <u>56</u> , as previously set by the Court, is as follows: plaintiff's response is due by 6/22/15 and defendants' reply is due by 7/6/15. On the Court's own motion, the 6/29/15 status hearing is stricken and reset to 7/16/15 at 9:45 a.m. in Courtroom 1725. Mailed notice (gel,) (Entered: 06/02/2015)
06/15/2015	<u>60</u>	MOTION by Plaintiff US Commodity Futures Trading Commission for extension of time (Smiley, Jennifer) (Entered: 06/15/2015)
06/15/2015	<u>61</u>	NOTICE of Motion by Jennifer Ellen Smiley for presentment of extension of time <u>60</u> before Honorable John Robert Blakey on 6/18/2015 at 09:45 AM. (Smiley, Jennifer) (Entered: 06/15/2015)
06/16/2015	<u>62</u>	MINUTE entry before the Honorable John Robert Blakey: Plaintiff's unopposed motion for enlargement of time <u>60</u> is granted. Plaintiff's response to the pending motion to dismiss counts I and II of the complaint is now due 7/13/15, and defendants' reply in support of their motion to dismiss is now due 7/27/15. The 7/16/15 status hearing is stricken and reset to 8/13/15 at 9:45 a.m. in Courtroom 1725. Mailed notice (mb,) (Entered: 06/16/2015)
07/08/2015	<u>63</u>	TRANSCRIPT OF PROCEEDINGS held on 05/21/15 before the Honorable John Robert Blakey. Court Reporter Contact Information: Lisa Breiter (312) 818-6683 lisa_breiter@ilnd.uscourts.gov. IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings. Redaction Request due 7/29/2015. Redacted Transcript Deadline set for 8/10/2015. Release of Transcript Restriction set for 10/6/2015. (Breiter, Lisa) (Entered: 07/08/2015)
07/13/2015	<u>64</u>	RESPONSE by US Commodity Futures Trading Commission in Opposition to MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>On Counts I and II of the Complaint</i> <u>56</u> and <i>Incorporated Memorandum of Law</i> (Smiley, Jennifer) (Entered: 07/13/2015)
07/14/2015	<u>65</u>	Notice of New Authority by US Commodity Futures Trading Commission (Attachments: # <u>1</u> Exhibit A)(Smiley, Jennifer) (Entered: 07/14/2015)
07/17/2015	<u>66</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for extension of time to file response/reply (Kaufman, Gregory) (Entered: 07/17/2015)
07/17/2015	<u>67</u>	<i>Unopposed</i> NOTICE of Motion by Gregory S. Kaufman for presentment of motion for extension of time to file response/reply <u>66</u> before Honorable John Robert Blakey on

		7/23/2015 at 09:45 AM. (Kaufman, Gregory) (Entered: 07/17/2015)
07/20/2015	<u>68</u>	MINUTE entry before the Honorable John Robert Blakey: Defendants' unopposed motion for enlargement of time to file their reply in support of their motion to dismiss <u>66</u> is granted. Defendants' reply is now due 8/19/15. The 7/23/15 Notice of Motion date is stricken; the parties need not appear. Additionally, the 8/13/15 status hearing is stricken and reset to 10/6/15 at 9:45 a.m. in Courtroom 1725. Mailed notice (gel,) (Entered: 07/20/2015)
07/23/2015	<u>69</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-10895447. (Karpoff, Timothy) (Entered: 07/23/2015)
07/24/2015	<u>70</u>	MINUTE entry before the Honorable John Robert Blakey: Attorney Timothy A. Karpoff's motion for leave to appear pro hac vice <u>69</u> is granted. Mailed notice (ntf,) (Entered: 07/24/2015)
08/19/2015	<u>71</u>	REPLY by Kraft Foods Group, Inc., Mondelez Global LLC to response in opposition to motion <u>64</u> to <i>Dismiss Counts I and II of the Complaint</i> (Kruly, Charles) (Entered: 08/19/2015)
09/03/2015	<u>72</u>	Notice of New Authority by Kraft Foods Group, Inc., Mondelez Global LLC (Attachments: # <u>1</u> Exhibit)(Kruly, Charles) (Entered: 09/03/2015)
09/29/2015	<u>73</u>	REPORT of Rule 26(f) Planning Meeting (Kruly, Charles) (Entered: 09/29/2015)
10/02/2015	<u>74</u>	MINUTE entry before the Honorable John Robert Blakey: On the Court's own motion, the 10/6/15 status hearing date is stricken and reset to 11/10/15 at 9:45 a.m. in Courtroom 1725. Mailed notice (gel,) (Entered: 10/02/2015)
10/09/2015	<u>75</u>	WITHDRAWING <i>Aaron S. Furniss</i> as counsel for Defendants Kraft Foods Group, Inc., Mondelez Global LLC and substituting Gregory S. Kaufman as counsel of record (Kaufman, Gregory) (Entered: 10/09/2015)
11/05/2015	<u>76</u>	MINUTE entry before the Honorable John Robert Blakey: On the Court's own motion, the 11/10/15 status hearing is stricken and reset to 12/17/15 at 9:45 a.m. in Courtroom 1725. Mailed notice (gel,) (Entered: 11/05/2015)
11/11/2015	<u>77</u>	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Kraft Foods Group, Inc. and <i>Updated F.R.C.P. 7.1 disclosure</i> (Kruly, Charles) (Entered: 11/11/2015)
12/03/2015	<u>78</u>	MOTION by Attorney Charles M. Kruly to withdraw as attorney for Kraft Foods Group, Inc., Mondelez Global LLC. No party information provided (Kruly, Charles) (Entered: 12/03/2015)
12/03/2015	<u>79</u>	NOTICE of Motion by Charles Mark Kruly for presentment of motion to withdraw as attorney <u>78</u> before Honorable John Robert Blakey on 12/10/2015 at 09:45 AM. (Kruly, Charles) (Entered: 12/03/2015)
12/07/2015	<u>80</u>	MINUTE entry before the Honorable John Robert Blakey: Defendants' motion for leave to withdraw the appearance of Charles M. Kruly <u>78</u> is granted. The 12/10/15 Notice of Motion date is stricken; the parties need not appear. Mailed notice (gel,) (Entered: 12/07/2015)
12/08/2015	<u>81</u>	ATTORNEY Appearance for Defendants Kraft Foods Group, Inc., Mondelez Global LLC by Thomas Edward Quinn (Quinn, Thomas) (Entered: 12/08/2015)
12/08/2015	<u>82</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to withdraw <i>the appearance of Timothy A. Karpoff</i> (Panos, Dean) (Entered: 12/08/2015)
12/08/2015	<u>83</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion to withdraw <u>82</u>

		before Honorable John Robert Blakey on 12/15/2015 at 09:45 AM. (Panos, Dean) (Entered: 12/08/2015)
12/10/2015	<u>84</u>	MINUTE entry before the Honorable John Robert Blakey: Defendants' motion for leave to withdraw the appearance of Timothy A. Karpoff <u>82</u> is granted. The 12/15/15 Notice of Motion date is stricken; the parties need not appear. Mailed notice (gel,) (Entered: 12/10/2015)
12/17/2015	<u>85</u>	MINUTE entry before the Honorable John Robert Blakey: Status hearing held on 12/17/2015. Defendant's motion to dismiss <u>56</u> remains under advisement. Plaintiff's answer shall be filed on or before 1/15/2016. Status hearing set for 1/19/2016 at 9:45 a.m. in Courtroom 1725. Parties should be prepared to set additional case management dates at the next status hearing. Mailed notice (gel,) (Entered: 12/18/2015)
12/18/2015	<u>86</u>	MINUTE entry before the Honorable John Robert Blakey: As explained in the accompanying memorandum opinion and order, Defendants' motion to dismiss <u>56</u> is denied. This matter remains set for a status hearing on 1/19/2016 at 9:45 a.m. in Courtroom 1725. The parties should be prepared to set additional case management dates at that time. Mailed notice (gel,) (Entered: 12/18/2015)
12/18/2015	<u>87</u>	MEMORANDUM Opinion and Order Signed by the Honorable John Robert Blakey on 12/18/2015. Mailed notice(gel,) (Entered: 12/18/2015)
01/15/2016	<u>88</u>	<i>Defendants'</i> ANSWER to Complaint with Jury Demand by Kraft Foods Group, Inc., Mondelez Global LLC(Kaufman, Gregory) (Entered: 01/15/2016)
01/19/2016	<u>89</u>	MINUTE entry before the Honorable John Robert Blakey: Status hearing held on 1/19/2016. Any motion for leave to file an immediate appeal shall be filed on 1/19/2016; response shall be filed on or before 2/2/2016; reply shall be filed on or before 2/9/2016. Rule 26(a)(1) disclosures shall be completed on or before 1/29/2016. Written discovery to issue on or before 7/15/2016. Status and hearing on motion for leave to appeal is set for 2/23/2016 at 9:45 a.m. in Courtroom 1725. Parties should be prepared to set and justify additional case management dates, including a close of fact discovery, at the next status hearing. Mailed notice (gel,) (Entered: 01/19/2016)
01/19/2016	<u>90</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for certificate of appealability <i>for interlocutory appeal and stay proceedings</i> (Tsai, Stephen) (Entered: 01/19/2016)
01/19/2016	<u>91</u>	MEMORANDUM by Kraft Foods Group, Inc., Mondelez Global LLC in support of motion for certificate of appealability <u>90</u> <i>for interlocutory appeal and stay proceedings</i> (Tsai, Stephen) (Entered: 01/19/2016)
01/19/2016	<u>92</u>	NOTICE by Kraft Foods Group, Inc., Mondelez Global LLC re MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for certificate of appealability <i>for interlocutory appeal and stay proceedings</i> <u>90</u> , memorandum in support of motion <u>91</u> <i>for interlocutory appeal and stay proceedings</i> (Tsai, Stephen) (Entered: 01/19/2016)
02/02/2016	<u>93</u>	RESPONSE by US Commodity Futures Trading Commission in Opposition to MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for certificate of appealability <i>for interlocutory appeal and stay proceedings</i> <u>90</u> (Smiley, Jennifer) (Entered: 02/02/2016)
02/03/2016	<u>94</u>	MOTION by Plaintiff US Commodity Futures Trading Commission to strike <i>Affirmative Defenses</i> (Attachments: # <u>1</u> Certificate of Service Notice of Motion and Certificate of Service)(Gradman, Susan) (Entered: 02/03/2016)
02/03/2016	<u>95</u>	MOTION by Plaintiff US Commodity Futures Trading Commission to strike MOTION by Plaintiff US Commodity Futures Trading Commission to strike <i>Affirmative Defenses</i>

		<u>94</u> Memorandum In Support (Gradman, Susan) (Entered: 02/03/2016)
02/08/2016	<u>96</u>	MINUTE entry before the Honorable John Robert Blakey: The parties' agreed telephonic motion for a briefing schedule on Plaintiff's motion to strike <u>94</u> is granted in part and denied in part as follows: the Defendants shall file their response on or before 2/17/16, and the Plaintiff shall file its reply on or before 2/29/16. With regard to the Defendants' motion for interlocutory appeal <u>90</u> , the Defendants shall file their reply brief, if any, on or before 2/17/16. The notice of motion date set for 2/11/16 is stricken, the parties need not appear at that time. The status hearing previously set in this matter for 2/23/16 is stricken and reset for 3/10/16 at 9:45 a.m. in Courtroom 1725. Mailed notice (gel,) Modified on 2/8/2016 (gel,). (Entered: 02/08/2016)
02/17/2016	<u>97</u>	REPLY by Kraft Foods Group, Inc., Mondelez Global LLC to response in opposition to motion, <u>93</u> for certificate of appealability for interlocutory appeal and stay proceedings (Tsai, Stephen) (Entered: 02/17/2016)
02/17/2016	<u>98</u>	MEMORANDUM by Kraft Foods Group, Inc., Mondelez Global LLC in Opposition to motion to strike <u>94</u> Affirmative Defenses (Tsai, Stephen) (Entered: 02/17/2016)
02/29/2016	<u>99</u>	REPLY by US Commodity Futures Trading Commission to memorandum in opposition to motion <u>98</u> to strike affirmative defenses (Gradman, Susan) (Entered: 02/29/2016)
03/10/2016	<u>100</u>	MINUTE entry before the Honorable John Robert Blakey: Status hearing held on 3/10/2016. Plaintiff's motion to strike affirmative defenses <u>94</u> is taken under advisement. Defendant's motion for certificate of appealability for interlocutory appeal and stay proceedings <u>90</u> is taken under advisement. Additional case management dates shall be set in a future order. Mailed notice (gel,) (Entered: 03/10/2016)
03/11/2016	<u>101</u>	TRANSCRIPT OF PROCEEDINGS held on 03/10/16 before the Honorable John Robert Blakey. Court Reporter Contact Information: Lisa Breiter lisa_breiter@ilnd.uscourts.gov (312) 818-6683. <P>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</P> Redaction Request due 4/1/2016. Redacted Transcript Deadline set for 4/11/2016. Release of Transcript Restriction set for 6/9/2016. (Breiter, Lisa) (Entered: 03/11/2016)
05/09/2016	<u>102</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for protective order (Attachments: # <u>1</u> Exhibit A - Agreed Confidentiality Order, # <u>2</u> Exhibit B - Redline of Agreed Confidentiality Order)(Tsai, Stephen) (Entered: 05/09/2016)
05/09/2016	<u>103</u>	NOTICE of Motion by Stephen Thomas Tsai for presentment of (Tsai, Stephen) (Entered: 05/09/2016)
05/10/2016	<u>104</u>	NOTICE of Motion by Stephen Thomas Tsai for presentment of motion for protective order <u>102</u> before Honorable John Robert Blakey on 5/24/2016 at 09:45 AM. (Tsai, Stephen) (Entered: 05/10/2016)
05/11/2016	<u>105</u>	MINUTE entry before the Honorable John Robert Blakey: The parties' joint motion to issue agreed confidentiality order <u>102</u> is granted. Enter Agreed Confidentiality Order. The 5/24/16 Notice of Motion date is stricken, and the parties need not appear. Mailed notice (gel,) (Entered: 05/11/2016)
05/11/2016	<u>106</u>	AGREED CONFIDENTIALITY ORDER Signed by the Honorable John Robert Blakey on 5/11/2016. Mailed notice(gel,) (Entered: 05/11/2016)
06/06/2016	<u>107</u>	TRANSCRIPT OF PROCEEDINGS held on 04/21/15 before the Honorable John Robert

		<p>Blakey. Court Reporter Contact Information: Lisa Breiter lisa_breiter@ilnd.uscourts.gov (312) 818-6683.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 6/27/2016. Redacted Transcript Deadline set for 7/7/2016. Release of Transcript Restriction set for 9/5/2016. (Breiter, Lisa) (Entered: 06/06/2016)</p>
06/06/2016	<u>108</u>	<p>TRANSCRIPT OF PROCEEDINGS held on 12/17/15 before the Honorable John Robert Blakey. Court Reporter Contact Information: Lisa Breiter lisa_breiter@ilnd.uscourts.gov (312) 818-6683.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 6/27/2016. Redacted Transcript Deadline set for 7/7/2016. Release of Transcript Restriction set for 9/5/2016. (Breiter, Lisa) (Entered: 06/06/2016)</p>
06/06/2016	<u>109</u>	<p>TRANSCRIPT OF PROCEEDINGS held on 01/19/16 before the Honorable John Robert Blakey. Court Reporter Contact Information: Lisa Breiter lisa_breiter@ilnd.uscourts.gov (312) 818-6683.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 6/27/2016. Redacted Transcript Deadline set for 7/7/2016. Release of Transcript Restriction set for 9/5/2016. (Breiter, Lisa) (Entered: 06/06/2016)</p>
07/08/2016	<u>110</u>	<p>MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for extension of time to complete discovery <i>Joint Motion</i> (Tsai, Stephen) (Entered: 07/08/2016)</p>
07/08/2016	<u>111</u>	<p>NOTICE of Motion by Stephen Thomas Tsai for presentment of motion for extension of time to complete discovery <u>110</u> before Honorable John Robert Blakey on 7/14/2016 at 09:45 AM. (Tsai, Stephen) (Entered: 07/08/2016)</p>
07/08/2016	<u>112</u>	<p>MINUTE entry before the Honorable John Robert Blakey: The parties' joint motion to extend written discovery <u>110</u> is granted. Written discovery shall be completed 45 days after the Court issues its ruling on Defendants' motion seeking a certificate of appealability. The 7/14/16 Notice of Motion date is stricken, and the parties need not appear. (rbf,) (Entered: 07/08/2016)</p>
07/18/2016	<u>113</u>	<p>ATTORNEY Appearance for Plaintiff US Commodity Futures Trading Commission by Michael David Frisch (Frisch, Michael) (Entered: 07/18/2016)</p>

07/19/2016	<u>114</u>	MINUTE entry before the Honorable John Robert Blakey: As explained in the accompanying memorandum opinion and order, Defendants' motion for interlocutory appeal and stay <u>90</u> is denied, and Plaintiff's motion to strike affirmative defenses, <u>94</u> <u>95</u> , is granted. Enter Order. All of Defendants' affirmative defenses are hereby stricken. Pursuant to the Court's July 8, 2016 minute order, <u>112</u> , the close of written discovery is hereby reset for September 8, 2016. This matter is set for a status hearing at 9:45 a.m., on September 8, 2016 in Courtroom 1725. The parties should come prepared to set additional case management dates at the next status date. Mailed notice (gel,) (Entered: 07/19/2016)
07/19/2016	<u>115</u>	MEMORANDUM Opinion and Order Signed by the Honorable John Robert Blakey on 7/19/2016. Mailed notice(gel,) (Entered: 07/19/2016)
07/20/2016	<u>116</u>	MOTION by Attorney Jennifer E. Smiley to withdraw as attorney for US Commodity Futures Trading Commission. No party information provided (Smiley, Jennifer) (Entered: 07/20/2016)
07/21/2016	<u>117</u>	MINUTE entry before the Honorable John Robert Blakey: Motion by attorney Jennifer E. Smiley to withdraw as attorney for U.S. Commodity Futures Trading Commission <u>116</u> is granted. Mailed notice (gel,) (Entered: 07/21/2016)
09/08/2016	<u>118</u>	TRANSCRIPT OF PROCEEDINGS held on 09/08/16 before the Honorable John Robert Blakey. Court Reporter Contact Information: Lisa H. Breiter lisa_breiter@ilnd.uscourts.gov (312) 818-6683. IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings. Redaction Request due 9/29/2016. Redacted Transcript Deadline set for 10/10/2016. Release of Transcript Restriction set for 12/7/2016. (Breiter, Lisa) (Entered: 09/08/2016)
09/08/2016	<u>119</u>	MINUTE entry before the Honorable John Robert Blakey: Status hearing held on 9/8/2016 and continued to 6/7/2017 at 9:45 a.m. in Courtroom 1725. Mailed notice (gel,) (Entered: 09/08/2016)
11/17/2016	<u>120</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to amend/correct protective order <u>106</u> <i>Joint Motion</i> (Tsai, Stephen) (Entered: 11/17/2016)
11/17/2016	<u>121</u>	NOTICE of Motion by Stephen Thomas Tsai for presentment of motion to amend/correct, motion for relief <u>120</u> before Honorable John Robert Blakey on 11/29/2016 at 09:45 AM. (Tsai, Stephen) (Entered: 11/17/2016)
11/18/2016	<u>122</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to amend/correct protective order <u>106</u> (<i>Corrected Joint Motion</i>) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Panos, Dean) (Entered: 11/18/2016)
11/18/2016	<u>123</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion to amend/correct, motion for relief <u>122</u> before Honorable John Robert Blakey on 11/29/2016 at 09:45 AM. (Panos, Dean) (Entered: 11/18/2016)
11/21/2016	<u>124</u>	MINUTE entry before the Honorable John Robert Blakey: The parties' corrected joint motion to amend confidentiality order <u>122</u> is granted. Enter Agreed Amended Confidentiality Order. The 11/29/16 Notice of Motion date is stricken, and the parties

		need not appear. The parties' motion to amend <u>120</u> is denied as moot. Mailed notice (gel,) (Entered: 11/21/2016)
11/21/2016	<u>125</u>	AGREED AMENDED CONFIDENTIALITY ORDER Signed by the Honorable John Robert Blakey on 11/21/2016. Mailed notice(gel,) (Entered: 11/21/2016)
01/06/2017	<u>126</u>	MOTION by Attorney Stephen T. Tsai to withdraw as attorney for Kraft Foods Group, Inc., Mondelez Global LLC. No party information provided (Tsai, Stephen) (Entered: 01/06/2017)
01/06/2017	<u>127</u>	NOTICE of Motion by Stephen Thomas Tsai for presentment of motion to withdraw as attorney <u>126</u> before Honorable John Robert Blakey on 1/17/2017 at 09:45 AM. (Tsai, Stephen) (Entered: 01/06/2017)
01/09/2017	<u>128</u>	MINUTE entry before the Honorable John Robert Blakey: Stephen T. Tsai's motion to withdraw as attorney <u>126</u> is granted. Motion hearing set for 1/17/2017 is stricken. Mailed notice (gel,) (Entered: 01/09/2017)
01/13/2017	<u>129</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-12746950. (Raden, Laura) (Entered: 01/13/2017)
01/13/2017	<u>130</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-12746968. (Raden, Laura) (Entered: 01/13/2017)
01/17/2017	<u>131</u>	MINUTE entry before the Honorable John Robert Blakey: Laura Kathryn Raden's motions for leave to appear pro hac vice <u>129</u> and <u>130</u> are granted. Mailed notice (gel,) (Entered: 01/17/2017)
04/07/2017	<u>132</u>	MOTION by Plaintiff US Commodity Futures Trading Commission for issuance of letters rogatory (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D) (Frisch, Michael) (Entered: 04/07/2017)
04/07/2017	<u>133</u>	NOTICE of Motion by Michael David Frisch for presentment of motion for issuance of letters rogatory <u>132</u> before Honorable John Robert Blakey on 4/13/2017 at 09:45 AM. (Frisch, Michael) (Entered: 04/07/2017)
04/10/2017	<u>134</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to compel <i>Compliance with the Subpoena Duces Tecum Issued to Bunche North America, Inc.</i> (Panos, Dean) (Docket Text Modified on 4/11/2017 by Clerk's Office)(eaa,). (Entered: 04/10/2017)
04/10/2017	<u>135</u>	SEALED DOCUMENT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC <i>MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS MOTION TO COMPEL</i> (Attachments: # <u>1</u> Exhibit 1 (Unredacted), # <u>2</u> Exhibit 2 (Unredacted))(Panos, Dean) (Entered: 04/10/2017)
04/10/2017	<u>136</u>	MEMORANDUM by Kraft Foods Group, Inc., Mondelez Global LLC in support of motion to compel <u>134</u> (<i>Public</i>) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Panos, Dean) (Docket Text Modified on 4/11/2017 by Clerk's Office) (eaa,). (Entered: 04/10/2017)
04/10/2017	<u>137</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion to compel <u>134</u> before Honorable John Robert Blakey on 4/13/2017 at 09:45 AM. (Panos, Dean) (Entered: 04/10/2017)
04/12/2017	<u>138</u>	MINUTE entry before the Honorable John Robert Blakey: Defendant Kraft Foods Group, Inc.'s unopposed oral motion to reset the hearing on it's Motion To Compel Compliance With the Subpoena Duces Tecum Issued to Bunche North America, Inc. <u>134</u> is granted, and the hearing on Kraft's motion is reset for 4/20/2017 at 9:45 a.m. in Courtroom 1725. The motion hearing on Plaintiff U.S. Commodity Futures Trading Commission's Motion

		For Issuance Of A Commission And Letter Rogatory <u>132</u> previously set for 4/13/2017 at 9:45 a.m. in Courtroom 1725 to stand. Mailed notice (gel,) (Entered: 04/12/2017)
04/13/2017	<u>144</u>	MINUTE entry before the Honorable John Robert Blakey: Motion hearing held on 4/13/2017. Plaintiff's motion for issuance of letters rogatory <u>132</u> is granted as stated in open court. Plaintiff shall submit a proposed order to this Court's inbox as stated in open court. Status hearing previously set for 4/20/2017, to stand. Mailed notice (gel,) (Entered: 04/17/2017)
04/14/2017	<u>139</u>	TRANSCRIPT OF PROCEEDINGS held on 04/13/17 before the Honorable John Robert Blakey. Court Reporter Contact Information: Lisa H. Breiter lisa_breiter@ilnd.uscourts.gov (312) 818-6683. IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings. Redaction Request due 5/5/2017. Redacted Transcript Deadline set for 5/15/2017. Release of Transcript Restriction set for 7/13/2017. (Breiter, Lisa) (Entered: 04/14/2017)
04/17/2017	<u>140</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to compel <i>compliance with the subpoena duces tecum issued to Bunge North America, Inc. (Amended)</i> (Panos, Dean) (Entered: 04/17/2017)
04/17/2017	<u>141</u>	MEMORANDUM by Kraft Foods Group, Inc., Mondelez Global LLC in support of motion to compel <u>140</u> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Panos, Dean) (Entered: 04/17/2017)
04/17/2017	<u>142</u>	SEALED DOCUMENT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC / <i>Memorandum in Support of Defendants' Amended Motion to Compel Compliance</i> <u>140</u> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Panos, Dean) (Entered: 04/17/2017)
04/17/2017	<u>143</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion to compel <u>140</u> before Honorable John Robert Blakey on 4/20/2017 at 09:45 AM. (Panos, Dean) (Entered: 04/17/2017)
04/18/2017	<u>149</u>	COMMISSION Signed by the Honorable John Robert Blakey on 4/18/2017. Mailed notice (cc,) (Entered: 04/21/2017)
04/19/2017	<u>145</u>	NOTICE OF AGREEMENT by Kraft Foods Group, Inc., Mondelez Global LLC <i>REGARDING 140 AMENDED MOTION TO COMPEL FILED BY DEFENDANTS AGAINST BUNGE NORTH AMERICA, INC.</i> (Panos, Dean) (Entered: 04/19/2017)
04/20/2017	<u>146</u>	MINUTE entry before the Honorable John Robert Blakey: The Court is in receipt of the Notice of Agreement Regarding Amended Motion to Compel Filed By Defendants Against Bunge North America, Inc. <u>145</u> . In light of the parties' representations, Kraft's amended motion to compel <u>140</u> is denied as moot. The status hearing previously set for 4/20/2017 at 9:45 a.m. in Courtroom 1725 to stand, though counsel for Bunge North America, Inc. need not appear. Mailed notice (gel,) (Entered: 04/20/2017)
04/20/2017	<u>147</u>	MINUTE entry before the Honorable John Robert Blakey: Motion hearing held on 4/20/2017. Defendant's motion to compel <u>134</u> is denied as moot. Fact discovery shall be completed on or before 9/27/2017. Status hearing set for 9/27/2017 at 9:45 a.m. in Courtroom 1725. Mailed notice (gel,) (Entered: 04/20/2017)

04/20/2017	<u>148</u>	TRANSCRIPT OF PROCEEDINGS held on 04/20/17 before the Honorable John Robert Blakey. Court Reporter Contact Information: Lisa Breiter lisa_breiter@ilnd.uscourts.gov (312) 818-6683. <P>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</P> Redaction Request due 5/11/2017. Redacted Transcript Deadline set for 5/22/2017. Release of Transcript Restriction set for 7/19/2017. (Breiter, Lisa) (Entered: 04/20/2017)
04/26/2017		Letters of Rogatory issued to Michael Frisch, Trial Attorney, Division of Enforcement of Commodity Futures Trading Commission. (gel,) (Entered: 04/26/2017)
05/08/2017	<u>150</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to compel <i>Responses to Defendants' First Set of Interrogatories</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Panos, Dean) (Entered: 05/08/2017)
05/08/2017	<u>151</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion to compel <u>150</u> before Honorable John Robert Blakey on 5/11/2017 at 09:45 AM. (Panos, Dean) (Entered: 05/08/2017)
05/11/2017	<u>152</u>	MINUTE entry before the Honorable John Robert Blakey: Motion hearing held on 5/11/2017. Defendant's motion to compel <u>150</u> is briefed as follows: response shall be filed on or before 6/1/2017; reply shall be filed on or before 6/8/2017. Motion hearing set for 6/15/2017 at 9:45 a.m. in Courtroom 1725. Mailed notice (gel,) (Entered: 05/11/2017)
05/31/2017	<u>153</u>	RESPONSE by US Commodity Futures Trading Commission in Opposition to MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to compel <i>Responses to Defendants' First Set of Interrogatories</i> <u>150</u> (Frisch, Michael) (Entered: 05/31/2017)
06/05/2017	<u>154</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to compel <i>plaintiff to produce documents</i> (Panos, Dean) (Entered: 06/05/2017)
06/05/2017	<u>155</u>	SEALED DOCUMENT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC <i>MEMORANDUM OF POINTS AND AUTHORITIES in support of Defendants' Motion to Compel</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit Under Seal, # <u>3</u> Exhibit Under Seal, # <u>4</u> Exhibit, # <u>5</u> Exhibit Under Seal, # <u>6</u> Exhibit Under Seal, # <u>7</u> Exhibit Under Seal, # <u>8</u> Exhibit Under Seal, # <u>9</u> Exhibit, # <u>10</u> Exhibit Under Seal, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit Under Seal)(Panos, Dean) (Entered: 06/05/2017)
06/05/2017	<u>156</u>	MEMORANDUM by Kraft Foods Group, Inc., Mondelez Global LLC in support of motion to compel <u>154</u> (<i>public</i>) (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit)(Panos, Dean) (Entered: 06/05/2017)
06/05/2017	<u>157</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion to compel <u>154</u> before Honorable John Robert Blakey on 6/8/2017 at 09:45 AM. (Panos, Dean) (Entered: 06/05/2017)
06/08/2017	<u>158</u>	MINUTE entry before the Honorable John Robert Blakey: Motion hearing held on 6/8/2017. Defendant's motion to compel <u>154</u> is briefed as follows: response shall be filed on or before 7/10/2017; reply shall be filed on or before 7/20/2017. Motion hearing previously set for 6/15/2017, to stand. Additional motion hearing set for 7/25/2017 at 9:45 a.m. in Courtroom 1725. Mailed notice (gel,) (Entered: 06/08/2017)
06/08/2017	<u>159</u>	REPLY by Kraft Foods Group, Inc., Mondelez Global LLC to response in opposition to

		motion <u>153</u> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4) (Panos, Dean) (Entered: 06/08/2017)
06/15/2017	<u>160</u>	MINUTE entry before the Honorable John Robert Blakey: Motion hearing held regarding Defendant's Motion to Compel <u>150</u> . For the reasons stated in open court, Defendant's Motion to Compel <u>150</u> is granted, and Plaintiff's counsel shall provide revised discovery responses within 30 days. Counsel reported on the status of discovery and advised they are on track to meet the 9/27/2017 cutoff date. Additional motion hearing date of 7/25/2017 at 9:45 a.m. in Courtroom 1725 to stand. Mailed notice (gel,) (Entered: 06/16/2017)
06/22/2017	<u>161</u>	TRANSCRIPT OF PROCEEDINGS held on 06/15/2017 before the Honorable John Robert Blakey. Court Reporter Contact Information: Judith A. Walsh, CSR, RDR, F/CRR, Official Court Reporter. 312.702.8865. judith_walsh@ilnd.uscourts.gov. <P>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</P> Redaction Request due 7/13/2017. Redacted Transcript Deadline set for 7/24/2017. Release of Transcript Restriction set for 9/20/2017. (Walsh, Judy) (Entered: 06/22/2017)
07/10/2017	<u>162</u>	RESPONSE by US Commodity Futures Trading Commission in Opposition to MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to compel <i>plaintiff to produce documents</i> <u>154</u> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Gradman, Susan) (Entered: 07/10/2017)
07/17/2017	<u>163</u>	ATTORNEY Appearance for Defendants Kraft Foods Group, Inc., Mondelez Global LLC by James L. Thompson (Thompson, James) (Entered: 07/17/2017)
07/17/2017	<u>164</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to compel (Thompson, James) (Entered: 07/17/2017)
07/17/2017	<u>165</u>	NOTICE of Motion by James L. Thompson for presentment of motion to compel <u>164</u> before Honorable John Robert Blakey on 7/20/2017 at 09:45 AM. (Thompson, James) (Entered: 07/17/2017)
07/17/2017	<u>166</u>	MEMORANDUM by Kraft Foods Group, Inc., Mondelez Global LLC in support of motion to compel <u>164</u> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10)(Thompson, James) (Entered: 07/17/2017)
07/17/2017	<u>167</u>	SEALED MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC (Thompson, James) (Entered: 07/17/2017)
07/17/2017	<u>168</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to seal document SEALED MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC <u>167</u> <i>Memorandum in Support of</i> , SEALED MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit) (Thompson, James) (Entered: 07/17/2017)
07/19/2017	<u>169</u>	ATTORNEY Appearance for Unknown Archer Daniels Midland Company by William John Nissen (Nissen, William) (Entered: 07/19/2017)
07/19/2017	<u>170</u>	ATTORNEY Appearance for Unknown Archer Daniels Midland Company by Angelo Joseph Suozzi (Suozzi, Angelo) (Entered: 07/19/2017)

07/20/2017	<u>171</u>	SEALED REPLY by Kraft Foods Group, Inc., Mondelez Global LLC to response in opposition to motion, <u>162</u> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3) (Panos, Dean) (Entered: 07/20/2017)
07/20/2017	<u>172</u>	REPLY by Kraft Foods Group, Inc., Mondelez Global LLC to response in opposition to motion, <u>162</u> [REDACTED PUBLIC VERSION] (Panos, Dean) (Entered: 07/20/2017)
07/20/2017	<u>173</u>	MINUTE entry before the Honorable John Robert Blakey: Motion hearing held on 7/20/2017. Defendant's motion to seal document <u>168</u> is granted without objection. Defendant's motion to compel <u>164</u> is briefed as follows: response shall be filed on or before 8/15/2017. Motion hearing set for 8/17/2017 at 9:45 a.m. in Courtroom 1725. Parties are to meet and confer regarding protective order issue. Mailed notice (gel,) (Entered: 07/24/2017)
07/25/2017	<u>174</u>	MINUTE entry before the Honorable John Robert Blakey: Motion hearing held on 7/25/2017. Defendant's motion to compel <u>154</u> is granted in part and denied in part as stated in open court. Plaintiff shall submit an updated privilege log, as well the documents referenced in open court, to Chambers for an in-camera review on or before 8/1/2017. Motion hearing set for 8/17/2017, to stand. Mailed notice (gel,) (Entered: 07/25/2017)
08/01/2017	<u>175</u>	TRANSCRIPT OF PROCEEDINGS held on 07/25/17 before the Honorable John Robert Blakey. Court Reporter Contact Information: Lisa H. Breiter lisa_breiter@ilnd.uscourts.gov (312) 818-6683. IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings. Redaction Request due 8/22/2017. Redacted Transcript Deadline set for 9/1/2017. Release of Transcript Restriction set for 10/30/2017. (Breiter, Lisa) (Entered: 08/01/2017)
08/03/2017	<u>176</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC Order Allowing Disclosure of Confidential material to Non-Party ADM (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Thompson, James) (Entered: 08/03/2017)
08/03/2017	<u>177</u>	NOTICE of Motion by James L. Thompson for presentment of motion for miscellaneous relief <u>176</u> before Honorable John Robert Blakey on 8/8/2017 at 09:45 AM. (Thompson, James) (Entered: 08/03/2017)
08/03/2017	<u>178</u>	SEALED MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Thompson, James) (Entered: 08/03/2017)
08/04/2017	<u>179</u>	MINUTE entry before the Honorable John Robert Blakey: Defendants' motion for an order permitting disclosure of highly confidential non-party document pursuant to the agreed amended confidentiality order <u>176</u> , <u>178</u> is granted. Enter Order. The 8/8/17 Notice of Motion date is stricken, and the parties need not appear. Mailed notice (gel,) (Entered: 08/04/2017)
08/04/2017	<u>180</u>	ORDER PERMITTING NON-PARTY ADM AND ADM COUNSEL TO REVIEW HIGHLY CONFIDENTIAL INFORMATION PRODUCED BY NON-PARTY THE ANDERSONS, SUBJECT TO THE AMENDED AGREED CONFIDENTIALITY ORDER Signed by the Honorable John Robert Blakey on 8/4/2017. Mailed notice(gel,) (Entered: 08/04/2017)

08/15/2017	<u>181</u>	RESPONSE by Archer Daniels Midland Company in Opposition to MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to compel <u>164</u> (Attachments: # <u>1</u> Exhibit)(Nissen, William) (Entered: 08/15/2017)
08/17/2017	<u>182</u>	MINUTE entry before the Honorable John Robert Blakey: Motion hearing held on 8/17/2017. Defendant's motion to compel <u>164</u> is entered and continued to 8/31/2017 at 10:00 a.m. in Courtroom 1725. Parties should meet and confer as to the motion to compel, and submit a status report to Chambers, on or before noon on 8/30/2017. Defendant's motion to compel <u>167</u> is granted in part, and denied in part, as stated in open court. Mailed notice (gel,) (Entered: 08/17/2017)
08/18/2017	<u>183</u>	TRANSCRIPT OF PROCEEDINGS held on 08/17/17 before the Honorable John Robert Blakey. Court Reporter Contact Information: Lisa H. Breiter lisa_breiter@ilnd.uscourts.gov (312) 818-6683. IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings. Redaction Request due 9/8/2017. Redacted Transcript Deadline set for 9/18/2017. Release of Transcript Restriction set for 11/16/2017. (Breiter, Lisa) (Entered: 08/18/2017)
08/24/2017	<u>184</u>	MOTION by Plaintiff US Commodity Futures Trading Commission for Leave to Appear Pro Hac Vice (Chopra, Neel) (Docket Text Modified on 8/24/2017 by Clerk's Office) (eaa,). (Entered: 08/24/2017)
08/25/2017	<u>185</u>	MINUTE entry before the Honorable John Robert Blakey: Plaintiff's motion for leave to appear pro hac vice <u>184</u> is granted. Mailed notice (gel,) (Entered: 08/25/2017)
08/30/2017	<u>186</u>	STATUS Report <i>Joint Status Report on Results of Meet and Confer Concerning Kraft's Motion to Compel Directed at Non-Party ADM</i> by Kraft Foods Group, Inc., Mondelez Global LLC (Thompson, James) (Entered: 08/30/2017)
08/31/2017	<u>187</u>	SUPPLEMENT to status report <u>186</u> <i>Kraft Supplement to Joint Status Report</i> (Thompson, James) (Entered: 08/31/2017)
08/31/2017	<u>191</u>	MINUTE entry before the Honorable John Robert Blakey: Motion hearing held on 8/31/17 and continued to 10/18/17 at 9:45 a.m. in Courtroom 1203. As stated in open court on 8/31/17, the status hearing previously set for 9/27/17 (and then reset for 10/4/17) is stricken. The 10/18/17 status hearing, set in open court on 8/31/17, stands. The Court will issue a written order in advance of the next court date. Mailed notice (gel,) (Entered: 09/29/2017)
09/01/2017	<u>188</u>	RESPONSE by Unknown Archer Daniels Midland Company to supplement <u>187</u> (Nissen, William) (Entered: 09/01/2017)
09/08/2017	<u>189</u>	TRANSCRIPT OF PROCEEDINGS held on 08/31/17 before the Honorable John Robert Blakey. Court Reporter Contact Information: Lisa H. Breiter lisa_breiter@ilnd.uscourts.gov (312) 818-6683. IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at

		<p>www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 9/29/2017. Redacted Transcript Deadline set for 10/10/2017. Release of Transcript Restriction set for 12/7/2017. (Breiter, Lisa) (Entered: 09/08/2017)</p>
09/11/2017	<u>190</u>	<p>MINUTE entry before the Honorable John Robert Blakey: On the Court's own motion, the status hearing set for 9/27/2017 is reset for 10/4/2017 at 9:45 a.m. in Courtroom 1203. Mailed notice (gel,) (Entered: 09/11/2017)</p>
10/17/2017	<u>192</u>	<p>MINUTE entry before the Honorable John Robert Blakey: On the Court's own motion, the status hearing previously set for 10/18/17 is stricken and reset for 11/1/17 at 9:45 a.m. in Courtroom 1203. Kraft's motion to compel <u>164</u> remains under advisement, and the Court will rule by mail. The parties should be prepared at the next court date to set a firm discovery cutoff and additional case management dates, including a dispositive motion schedule and a trial date. Mailed notice (gel,) (Entered: 10/17/2017)</p>
10/20/2017	<u>193</u>	<p>MINUTE entry before the Honorable John Robert Blakey: Defendants' Motion to Compel <u>164</u> is granted in part and denied in part. Specifically, as to each discovery category listed in the Joint Status Report <u>186</u>, the Court rules as follows. As to Category 1, ADM shall produce a complete set of "Future/Hedge Reports" reflecting its daily futures positions for June 1, 2011 to December 31, 2011, on a corporate-wide basis, rather than limited only to the Toledo or Ottawa warehouses, and shall also produce any similar summary records of its futures trades related to the Toledo area (including the Toledo or Ottawa warehouses), and relating to its cash prices in the Toledo area. The Court is not ordering production, however, of any other independent materials detailing actual specific trades, dates, prices, and or volume of such trades. As to Category 2, the request to compel is denied as moot based upon the representation of the parties regarding the agreed production. As to Category 3, ADM shall produce its weekly reports or other summary materials regarding the deliverable and non-deliverable stocks of wheat for June 1, 2011 to December 31, 2011, on a corporate-wide basis, however, the Court is not ordering production of any of the other independent materials otherwise detailing the specifics of any underlying transactions. As to Category 4 (non-email), the request to compel is denied as moot based upon the representation of the parties regarding the agreed production. As to Category 4 (emails), Category 5, and Category 6, the request to compel is denied without prejudice. The status hearing date previously set for 9:45 a.m., on 11/1/2017 in Courtroom 1203, stands. Mailed notice (vcf,) (Entered: 10/20/2017)</p>
11/01/2017	<u>194</u>	<p>MINUTE entry before the Honorable John Robert Blakey: Status hearing held on 11/1/2017. Case set for a case management conference on 11/15/2017 at 10:15 a.m. in Courtroom 1203. Mailed notice (gel,) (Entered: 11/01/2017)</p>
11/01/2017	<u>195</u>	<p>TRANSCRIPT OF PROCEEDINGS held on 11/01/17 before the Honorable John Robert Blakey. Order Number: 28853. Court Reporter Contact Information: Lisa H. Breiter lisa_breiter@ilnd.uscourts.gov (312) 818-6683.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 11/22/2017. Redacted Transcript Deadline set for 12/4/2017. Release of Transcript Restriction set for 1/30/2018. (Breiter, Lisa) (Entered: 11/01/2017)</p>
11/15/2017	<u>196</u>	<p>MINUTE entry before the Honorable John Robert Blakey: Case management conference</p>

		held on 11/15/2017. Enter Case Management Order. Jury trial set for 3/4/2019 at 10:30 a.m. in Courtroom 1203. The parties shall carefully review the case management order for additional dates, deadlines and information. Mailed notice (gel,) (Entered: 11/16/2017)
11/15/2017	<u>197</u>	CASE MANAGEMENT ORDER Signed by the Honorable John Robert Blakey on 11/15/2017. Mailed notice(gel,) (Entered: 11/16/2017)
12/12/2017	<u>198</u>	TRANSCRIPT OF PROCEEDINGS held on 11/15/17 before the Honorable John Robert Blakey. Order Number: 29179. Court Reporter Contact Information: Lisa H. Breiter lisa_breiter@ilnd.uscourts.gov (312) 818-6683. IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings. Redaction Request due 1/2/2018. Redacted Transcript Deadline set for 1/12/2018. Release of Transcript Restriction set for 3/12/2018. (Breiter, Lisa) (Entered: 12/12/2017)
01/22/2018	<u>199</u>	MOTION by Plaintiff US Commodity Futures Trading Commission to stay <i>deadlines</i> (Frisch, Michael) (Entered: 01/22/2018)
01/23/2018	<u>200</u>	MINUTE entry before the Honorable John Robert Blakey: Oral request to withdraw Plaintiff's motion to stay deadlines <u>199</u> is granted and the motion is withdrawn. Mailed notice (gel,) (Entered: 01/23/2018)
02/07/2018	<u>201</u>	MINUTE entry before the Honorable John Robert Blakey: Final discovery status held on 2/7/2018. All other previously set dates to stand. Mailed notice (gel,) (Entered: 02/07/2018)
03/01/2018	<u>202</u>	MOTION by Plaintiff US Commodity Futures Trading Commission to compel <i>production of transcripts and exhibits</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Gradman, Susan) (Entered: 03/01/2018)
03/01/2018	<u>203</u>	NOTICE of Motion by Susan J. Gradman for presentment of motion to compel <u>202</u> before Honorable John Robert Blakey on 3/8/2018 at 09:45 AM. (Gradman, Susan) (Entered: 03/01/2018)
03/08/2018	<u>204</u>	MINUTE entry before the Honorable John Robert Blakey: Motion hearing held on 3/8/2018. Plaintiff's motion to compel <u>202</u> is briefed as follows: response shall be filed on or before 3/15/201; motion hearing set for 3/20/2018 at 9:45 a.m. in Courtroom 1203. All other deadlines and hearings to stand. Mailed notice (gel,) (Entered: 03/08/2018)
03/15/2018	<u>205</u>	MEMORANDUM by Kraft Foods Group, Inc., Mondelez Global LLC in Opposition to motion to compel <u>202</u> (Attachments: # <u>1</u> Exhibit 1)(Panos, Dean) (Entered: 03/15/2018)
03/20/2018	<u>206</u>	MINUTE entry before the Honorable John Robert Blakey: Motion hearing held on 3/20/2018. Plaintiff's motion to compel <u>202</u> is denied as moot based on the agreement of the parties. All other deadlines and hearings to stand. Mailed notice (gel,) (Entered: 03/21/2018)
04/26/2018	<u>207</u>	ATTORNEY Appearance for Plaintiff US Commodity Futures Trading Commission by Stephanie Lynn Reinhart (Reinhart, Stephanie) (Entered: 04/26/2018)
04/27/2018	<u>208</u>	TRANSCRIPT OF PROCEEDINGS held on March 20, 2018, before the Honorable John Robert Blakey. Order Number: 30327. Court Reporter Contact Information: Laura

LaCien, 312-408-5032, laura_lacien@ilnd.uscourts.gov.

IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.

Redaction Request due 5/18/2018. Redacted Transcript Deadline set for 5/29/2018. Release of Transcript Restriction set for 7/26/2018. (Lacien, Laura) (Entered: 04/27/2018)

07/12/2018	<u>209</u>	ATTORNEY Appearance for Defendants Kraft Foods Group, Inc., Mondelez Global LLC by Daniel Thomas Fenske (Fenske, Daniel) (Entered: 07/12/2018)
09/14/2018	<u>210</u>	MOTION by Plaintiff US Commodity Futures Trading Commission for summary judgment <i>on Counts III and IV</i> (Frisch, Michael) (Entered: 09/14/2018)
09/14/2018	<u>211</u>	MEMORANDUM by US Commodity Futures Trading Commission in support of motion for summary judgment <u>210</u> <i>on Counts III and IV (Public Version)</i> (Attachments: # <u>1</u> Appendix A)(Frisch, Michael) (Entered: 09/14/2018)
09/14/2018	<u>212</u>	SEALED DOCUMENT by Plaintiff US Commodity Futures Trading Commission <i>Memorandum in Support of Motion for Summary Judgment on Counts III and IV (Unredacted)</i> (Attachments: # <u>1</u> Appendix A)(Frisch, Michael) (Entered: 09/14/2018)
09/14/2018	<u>213</u>	SEALED DOCUMENT by Plaintiff US Commodity Futures Trading Commission <i>Statement of Facts in Support of Motion for Summary Judgment on Counts III and IV</i> (Attachments: # <u>1</u> Table of Contents, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15 (Part 1), # <u>17</u> Exhibit 15 (Part 2), # <u>18</u> Exhibit 16, # <u>19</u> Exhibit 17, # <u>20</u> Exhibit 18, # <u>21</u> Exhibit 19, # <u>22</u> Exhibit 20, # <u>23</u> Exhibit 21, # <u>24</u> Exhibit 22, # <u>25</u> Exhibit 23)(Frisch, Michael) (Entered: 09/14/2018)
09/14/2018	<u>214</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file excess pages - <i>Defendants' Unopposed Motion for Leave to File an Oversize Brief And For Additional Local Rule 56.1 Statements of Undisputed Material Fact in Support of Their Motion for Summary Judgment</i> (Panos, Dean) (Entered: 09/14/2018)
09/14/2018	<u>215</u>	SEALED EXHIBIT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC - <i>Exhibit A - Memorandum of Law</i> regarding MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file excess pages - <i>Defendants' Unopposed Motion for Leave to File an Oversize Brief And For Additional Local Rule 56.1 Statements of Undisputed Material Fact in Sup 214</i> (Panos, Dean) (Entered: 09/14/2018)
09/14/2018	<u>216</u>	SEALED EXHIBIT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC - <i>Exhibit B - Rule 56.1 Statement</i> regarding MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file excess pages - <i>Defendants' Unopposed Motion for Leave to File an Oversize Brief And For Additional Local Rule 56.1 Statements of Undisputed Material Fact in Sup 214</i> (Panos, Dean) (Entered: 09/14/2018)
09/14/2018	<u>217</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion for leave to file excess pages, <u>214</u> before Honorable John Robert Blakey on 9/20/2018 at 09:45 AM. (Panos, Dean) (Entered: 09/14/2018)
09/14/2018	<u>218</u>	MOTION by Defendants Mondelez Global LLC, Kraft Foods Group, Inc. for summary

		judgment (Panos, Dean) (Entered: 09/14/2018)
09/14/2018	<u>219</u>	NOTICE by Kraft Foods Group, Inc., Mondelez Global LLC re MOTION by Defendants Mondelez Global LLC, Kraft Foods Group, Inc. for summary judgment <u>218</u> - <i>Notice of Filing</i> (Panos, Dean) (Entered: 09/14/2018)
09/14/2018	<u>220</u>	SEALED DOCUMENT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC - <i>Declaration of Thomas E. Quinn in Support of Defendants' Motion for Summary Judgment and Defendants' Rule 56.1 Statement of Undisputed Material Facts</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33, # <u>34</u> Exhibit 34, # <u>35</u> Exhibit 35, # <u>36</u> Exhibit 36, # <u>37</u> Exhibit 37, # <u>38</u> Exhibit 38, # <u>39</u> Exhibit 39, # <u>40</u> Exhibit 40, # <u>41</u> Exhibit 41, # <u>42</u> Exhibit 42, # <u>43</u> Exhibit 43, # <u>44</u> Exhibit 44, # <u>45</u> Exhibit 45, # <u>46</u> Exhibit 46, # <u>47</u> Exhibit 47, # <u>48</u> Exhibit 48, # <u>49</u> Exhibit 49, # <u>50</u> Exhibit 50, # <u>51</u> Exhibit 51, # <u>52</u> Exhibit 52, # <u>53</u> Exhibit 53, # <u>54</u> Exhibit 54, # <u>55</u> Exhibit 55, # <u>56</u> Exhibit 56, # <u>57</u> Exhibit 57, # <u>58</u> Exhibit 58, # <u>59</u> Exhibit 59, # <u>60</u> Exhibit 60, # <u>61</u> Exhibit 61, # <u>62</u> Exhibit 62, # <u>63</u> Exhibit 63, # <u>64</u> Exhibit 64, # <u>65</u> Exhibit 65, # <u>66</u> Exhibit 66, # <u>67</u> Exhibit 67, # <u>68</u> Exhibit 68, # <u>69</u> Exhibit 69)(Panos, Dean) (Entered: 09/14/2018)
09/14/2018	<u>221</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to Exclude the Proffered Opinions of the CFTC's Economic Expert, Dr. William Wilson (Panos, Dean) (Entered: 09/14/2018)
09/14/2018	<u>222</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion for miscellaneous relief <u>221</u> before Honorable John Robert Blakey on 9/20/2018 at 09:45 AM. (Panos, Dean) (Entered: 09/14/2018)
09/14/2018	<u>223</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file excess pages - <i>Defendants' Unopposed Motion for Leave to File an Oversize Brief in Support of Their Motion to Exclude The Proffered Opinions of the CFTC's Economic Expert, Dr. William Wilson</i> (Panos, Dean) (Entered: 09/14/2018)
09/14/2018	<u>224</u>	SEALED EXHIBIT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC - <i>Exhibit A - Memorandum of Law</i> regarding MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file excess pages - <i>Defendants' Unopposed Motion for Leave to File an Oversize Brief in Support of Their Motion to Exclude The Proffered Opinions of the CFTC's</i> <u>223</u> (Panos, Dean) (Entered: 09/14/2018)
09/14/2018	<u>225</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion for leave to file excess pages, <u>223</u> before Honorable John Robert Blakey on 9/20/2018 at 09:45 AM. (Panos, Dean) (Entered: 09/14/2018)
09/14/2018	<u>226</u>	SEALED DOCUMENT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC - <i>Declaration of Thomas E. Quinn in Support of Defendant's Motion to Exclude the Proffered Opinions of the CFTC's Economic Expert, Dr. William Wilson</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Errata 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33, # <u>34</u> Exhibit 34, # <u>35</u> Exhibit 35, # <u>36</u> Exhibit 36, # <u>37</u> Exhibit 37, # <u>38</u>

		Exhibit 38, # <u>39</u> Exhibit 39, # <u>40</u> Exhibit 40, # <u>41</u> Exhibit 41, # <u>42</u> Exhibit 42, # <u>43</u> Exhibit 43, # <u>44</u> Exhibit 44, # <u>45</u> Exhibit 45, # <u>46</u> Exhibit 46, # <u>47</u> Exhibit 47)(Panos, Dean) (Entered: 09/14/2018)
09/15/2018	<u>227</u>	MEMORANDUM by Kraft Foods Group, Inc., Mondelez Global LLC in support of motion for summary judgment <u>218</u> (<i>REDACTED PUBLIC VERSION</i>) (Panos, Dean) (Entered: 09/15/2018)
09/17/2018	<u>228</u>	MINUTE entry before the Honorable John Robert Blakey: Defendants' motion for leave to file an oversize brief and additional statements of undisputed material fact <u>214</u> and Defendants' motion to file an oversize brief in support of their motion to exclude Dr. Wilson's opinions <u>223</u> are granted. Briefing on the pending motions for summary judgment <u>210</u> , <u>218</u> and the motion to exclude <u>221</u> shall proceed according to the schedule set in the case management order <u>197</u> . The 9/20/18 Notice of Motion date is stricken, and the parties need not appear. Mailed notice (gel,) (Entered: 09/17/2018)
10/19/2018	<u>229</u>	MOTION by Plaintiff US Commodity Futures Trading Commission for extension of time to file response/reply (<i>Agreed</i>) (Frisch, Michael) (Entered: 10/19/2018)
10/19/2018	<u>230</u>	<i>Agreed</i> NOTICE of Motion by Michael David Frisch for presentment of motion for extension of time to file response/reply <u>229</u> before Honorable John Robert Blakey on 10/25/2018 at 09:45 AM. (Frisch, Michael) (Entered: 10/19/2018)
10/22/2018	<u>231</u>	MINUTE entry before the Honorable John Robert Blakey: The parties' agreed motion for enlargement of time to respond to pending motions <u>229</u> is granted; responses to pending motions shall be filed by 11/2/18, and replies shall be filed by 11/30/18. The 10/25/18 Notice of Motion date is stricken, and the parties need not appear. All other dates and deadlines stand. Mailed notice (gel,) (Entered: 10/22/2018)
10/26/2018	<u>232</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to strike <i>Dr. William Wilson's August 31, 2018 Report</i> (Panos, Dean) (Entered: 10/26/2018)
10/26/2018	<u>233</u>	DECLARATION of Thomas E. Quinn regarding motion to strike <u>232</u> / <i>Declaration of Thomas E. Quinn in Support of Defendants' Motion to Strike Dr. William Wilson's August 31, 2018 Report</i> (Quinn, Thomas) (Entered: 10/26/2018)
10/26/2018	<u>234</u>	SEALED EXHIBIT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC - <i>Exhibit 1 to Declaration of Thomas E. Quinn</i> (Attachments: # <u>1</u> Exhibit 2, # <u>2</u> Exhibit 3, # <u>3</u> Exhibit 4, # <u>4</u> Exhibit 5, # <u>5</u> Exhibit 6, # <u>6</u> Exhibit 7, # <u>7</u> Exhibit 8, # <u>8</u> Exhibit 9, # <u>9</u> Exhibit 10, # <u>10</u> Exhibit 11, # <u>11</u> Exhibit 12)(Quinn, Thomas) (Entered: 10/26/2018)
10/26/2018	<u>235</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion to strike <u>232</u> before Honorable John Robert Blakey on 11/1/2018 at 09:45 AM. (Panos, Dean) (Entered: 10/26/2018)
10/26/2018	<u>236</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file <i>an Oversize Brief in Support of Their Motion to Strike Dr. William Wilson's August 31, 2018 Report</i> (Panos, Dean) (Entered: 10/26/2018)
10/26/2018	<u>237</u>	SEALED EXHIBIT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC - <i>Exhibit A - Memorandum of Law</i> regarding MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file <i>an Oversize Brief in Support of Their Motion to Strike Dr. William Wilson's August 31, 2018 Report</i> <u>236</u> (Panos, Dean) (Entered: 10/26/2018)
10/26/2018	<u>238</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion for leave to file <u>236</u> before Honorable John Robert Blakey on 11/1/2018 at 09:45 AM. (Panos, Dean) (Entered: 10/26/2018)

10/29/2018	<u>239</u>	MINUTE entry before the Honorable John Robert Blakey: Defendants' motion for leave to file an oversized brief <u>236</u> is granted. Defendants' motion to strike Dr. William Wilson's 8/31/18 report <u>232</u> is taken under advisement, and the Court will consider the motion in the context of the pending summary judgment motions. Plaintiff shall file a response to the motion to strike by 11/16/18, and may file a response brief of up to 23 pages. If the Court requires a reply from Defendants, it will request one. The 11/1/18 Notice of Motion date is stricken, and the parties need not appear. Mailed notice (gel,) (Entered: 10/29/2018)
11/01/2018	<u>240</u>	SEALED DOCUMENT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC / <i>Defendants' Corrected Memorandum of Law in Support of Their Motion for Summary Judgment</i> (Panos, Dean) (Entered: 11/01/2018)
11/01/2018	<u>241</u>	SEALED DOCUMENT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC / <i>Defendants' Corrected Rule 56.1 Statement of Undisputed Material Facts</i> (Panos, Dean) (Entered: 11/01/2018)
11/01/2018	<u>242</u>	SEALED DOCUMENT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC / <i>Corrected Memorandum of Law in Support of Defendants' Motion to Exclude the Proffered Opinions of the CFTC's Economic Expert, Dr. William Wilson</i> (Panos, Dean) (Entered: 11/01/2018)
11/02/2018	<u>243</u>	MOTION by Plaintiff US Commodity Futures Trading Commission for leave to file <i>Oversized Brief</i> (Attachments: # <u>1</u> Exhibit A - CFTC's Opposition to Kraft Motion for Summary Judgment [PUBLIC VERSION])(Frisch, Michael) (Entered: 11/02/2018)
11/02/2018	<u>244</u>	SEALED EXHIBIT by Plaintiff US Commodity Futures Trading Commission <i>Exhibit A - CFTC's Opposition to Defendant's Motion for Summary Judgment</i> regarding MOTION by Plaintiff US Commodity Futures Trading Commission for leave to file <i>Oversized Brief</i> <u>243</u> (Frisch, Michael) (Entered: 11/02/2018)
11/02/2018	<u>245</u>	SEALED EXHIBIT by Plaintiff US Commodity Futures Trading Commission <i>Exhibit B - CFTC's Response to Defendants' Rule 56.1 Statement of Undisputed Material Facts and Statement of Additional Facts</i> regarding MOTION by Plaintiff US Commodity Futures Trading Commission for leave to file <i>Oversized Brief</i> <u>243</u> (Attachments: # <u>1</u> Declaration of Joseph Patrick)(Frisch, Michael) (Entered: 11/02/2018)
11/02/2018	<u>246</u>	MOTION by Plaintiff US Commodity Futures Trading Commission for leave to file <i>Oversized Brief</i> (Frisch, Michael) (Entered: 11/02/2018)
11/02/2018	<u>247</u>	SEALED EXHIBIT by Plaintiff US Commodity Futures Trading Commission <i>Exhibit A - CFTC's Opposition to Defendants' Motion to Exclude the Proffered Opinions of CFTC's Economic Expert, Dr. William Wilson</i> regarding MOTION by Plaintiff US Commodity Futures Trading Commission for leave to file <i>Oversized Brief</i> <u>246</u> (Frisch, Michael) (Entered: 11/02/2018)
11/02/2018	<u>248</u>	SEALED DOCUMENT by Plaintiff US Commodity Futures Trading Commission <i>Declaration of Stephanie Reinhart in Support of CFTC's Opposition to Defendants' Motion for Summary Judgment, Response to Defendants' Rule 56.1 Statement of Undisputed Material Facts and Statement of Additional Facts, and Opposition to Defendants' Motion to Exclude the Proffered Opinions of the CFTC's Economic Expert, Dr. William Wilson</i> (Frisch, Michael) (Entered: 11/02/2018)
11/02/2018	<u>249</u>	SEALED EXHIBIT by Plaintiff US Commodity Futures Trading Commission <i>Exhibits 1 - 50 to Declaration of Stephanie Reinhart</i> regarding sealed document, <u>248</u> (Attachments: # <u>1</u> Exhibit 2, # <u>2</u> Exhibit 3, # <u>3</u> Exhibit 4, # <u>4</u> Exhibit 5, # <u>5</u> Exhibit 6, # <u>6</u> Exhibit 7, # <u>7</u> Exhibit 8, # <u>8</u> Exhibit 9, # <u>9</u> Exhibit 10, # <u>10</u> Exhibit 11, # <u>11</u> Exhibit 12, # <u>12</u> Exhibit 13, # <u>13</u> Exhibit 14, # <u>14</u> Exhibit 15, # <u>15</u> Exhibit 16, # <u>16</u> Exhibit 17, # <u>17</u> Exhibit 18, # <u>18</u>

		Exhibit 19, # <u>19</u> Exhibit 20, # <u>20</u> Exhibit 21, # <u>21</u> Exhibit 22, # <u>22</u> Exhibit 23, # <u>23</u> Exhibit 24, # <u>24</u> Exhibit 25, # <u>25</u> Exhibit 26, # <u>26</u> Exhibit 27, # <u>27</u> Exhibit 28, # <u>28</u> Exhibit 29, # <u>29</u> Exhibit 30, # <u>30</u> Exhibit 31, # <u>31</u> Exhibit 32, # <u>32</u> Exhibit 33, # <u>33</u> Exhibit 34, # <u>34</u> Exhibit 35, # <u>35</u> Exhibit 36, # <u>36</u> Exhibit 36 (Part 2), # <u>37</u> Exhibit 37, # <u>38</u> Exhibit 38, # <u>39</u> Exhibit 39, # <u>40</u> Exhibit 40, # <u>41</u> Exhibit 41, # <u>42</u> Exhibit 42, # <u>43</u> Exhibit 43, # <u>44</u> Exhibit 44, # <u>45</u> Exhibit 45, # <u>46</u> Exhibit 46, # <u>47</u> Exhibit 47, # <u>48</u> Exhibit 48, # <u>49</u> Exhibit 49, # <u>50</u> Exhibit 50)(Frisch, Michael) (Entered: 11/02/2018)
11/02/2018	<u>250</u>	SEALED EXHIBIT by Plaintiff US Commodity Futures Trading Commission <i>Exhibits 51 - 99 to Declaration of Stephanie Reinhart in Support of CFTC's Opposition to Defendants' Motion for Summary Judgment, Response to Defendants' Rule 56.1 Statement of Undisputed Material Facts and Statement of Additional Facts, and Opposition to Defendants' Motion to Exclude the Proffered Opinions of the CFTC's Economic Expert, Dr. William Wilson</i> regarding sealed document, <u>248</u> (Attachments: # <u>1</u> Exhibit 52, # <u>2</u> Exhibit 53, # <u>3</u> Exhibit 54, # <u>4</u> Exhibit 55, # <u>5</u> Exhibit 56, # <u>6</u> Exhibit 57, # <u>7</u> Exhibit 58, # <u>8</u> Exhibit 59, # <u>9</u> Exhibit 60, # <u>10</u> Exhibit 61, # <u>11</u> Exhibit 62, # <u>12</u> Exhibit 63, # <u>13</u> Exhibit 64, # <u>14</u> Exhibit 65, # <u>15</u> Exhibit 66, # <u>16</u> Exhibit 67, # <u>17</u> Exhibit 68, # <u>18</u> Exhibit 69, # <u>19</u> Exhibit 70, # <u>20</u> Exhibit 71, # <u>21</u> Exhibit 72, # <u>22</u> Exhibit 73, # <u>23</u> Exhibit 74, # <u>24</u> Exhibit 75, # <u>25</u> Exhibit 76, # <u>26</u> Exhibit 77, # <u>27</u> Exhibit 78, # <u>28</u> Exhibit 79, # <u>29</u> Exhibit 80, # <u>30</u> Exhibit 81, # <u>31</u> Exhibit 82, # <u>32</u> Exhibit 83, # <u>33</u> Exhibit 84, # <u>34</u> Exhibit 85, # <u>35</u> Exhibit 86, # <u>36</u> Exhibit 87, # <u>37</u> Exhibit 88, # <u>38</u> Exhibit 89, # <u>39</u> Exhibit 90, # <u>40</u> Exhibit 91, # <u>41</u> Exhibit 92, # <u>42</u> Exhibit 93, # <u>43</u> Exhibit 94, # <u>44</u> Exhibit 95, # <u>45</u> Exhibit 96, # <u>46</u> Exhibit 97, # <u>47</u> Exhibit 98, # <u>48</u> Exhibit 99)(Frisch, Michael) (Entered: 11/02/2018)
11/02/2018	<u>251</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file <i>an Oversize Brief and for Additional Local Rule 56.1 Statements of Additional Material Facts in Support of Their Opposition to CFTC's Motion for Summary Judgment (Unopposed)</i> (Panos, Dean) (Entered: 11/02/2018)
11/02/2018	<u>252</u>	SEALED EXHIBIT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC - <i>Exhibit A - Memorandum of Law</i> regarding MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file <i>an Oversize Brief and for Additional Local Rule 56.1 Statements of Additional Material Facts in Support of Their Opposition to CFTC's Motion for Summary Judgment</i> <u>251</u> (Panos, Dean) (Entered: 11/02/2018)
11/02/2018	<u>253</u>	SEALED EXHIBIT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC - <i>Exhibit B - Rule 56.1 Statement</i> regarding MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file <i>an Oversize Brief and for Additional Local Rule 56.1 Statements of Additional Material Facts in Support of Their Opposition to CFTC's Motion for Summary Judgment</i> <u>251</u> (Panos, Dean) (Entered: 11/02/2018)
11/02/2018	<u>254</u>	SEALED DOCUMENT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC / <i>Defendants' Response to Plaintiff's Rule 56.1 Statement of Facts in Support of its Motion for Summary Judgment</i> (Panos, Dean) (Entered: 11/02/2018)
11/02/2018	<u>255</u>	SEALED DOCUMENT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC / <i>Declaration of Daniel T. Fenske in Support of Defendants' Opposition to the CFTC's Motion for Summary Judgment</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33, # <u>34</u> Exhibit 34, # <u>35</u> Exhibit 35, # <u>36</u> Exhibit 36, # <u>37</u> Exhibit 37, # <u>38</u> Exhibit 38, # <u>39</u> Exhibit 39, # <u>40</u>

		Exhibit 40, # <u>41</u> Exhibit 41, # <u>42</u> Exhibit 42, # <u>43</u> Exhibit 43, # <u>44</u> Exhibit 44, # <u>45</u> Exhibit 45, # <u>46</u> Exhibit 46, # <u>47</u> Exhibit 47, # <u>48</u> Exhibit 48, # <u>49</u> Exhibit 49, # <u>50</u> Exhibit 50, # <u>51</u> Exhibit 51, # <u>52</u> Exhibit 52, # <u>53</u> Exhibit 53, # <u>54</u> Exhibit 54, # <u>55</u> Exhibit 55, # <u>56</u> Exhibit 56, # <u>57</u> Exhibit 57, # <u>58</u> Exhibit 58, # <u>59</u> Exhibit 59, # <u>60</u> Exhibit 60, # <u>61</u> Exhibit 61, # <u>62</u> Exhibit 62, # <u>63</u> Exhibit 63, # <u>64</u> Exhibit 64, # <u>65</u> Exhibit 65, # <u>66</u> Exhibit 66, # <u>67</u> Exhibit 67, # <u>68</u> Exhibit 68)(Panos, Dean) (Entered: 11/02/2018)
11/02/2018	<u>256</u>	MEMORANDUM by Kraft Foods Group, Inc., Mondelez Global LLC in Opposition to motion for summary judgment <u>210</u> (<i>REDACTED PUBLIC VERSION</i>) (Panos, Dean) (Entered: 11/02/2018)
11/07/2018	<u>257</u>	JOINT NOTICE of Motion by Dean Nicholas Panos for presentment of motion for leave to file, <u>251</u> , motion for leave to file <u>246</u> , motion for leave to file <u>243</u> before Honorable John Robert Blakey on 11/13/2018 at 09:45 AM. (Panos, Dean) (Entered: 11/07/2018)
11/07/2018	<u>258</u>	MINUTE entry before the Honorable John Robert Blakey:Plaintiff's motion for leave to file oversized brief <u>243</u> , <u>246</u> and Defendant's motion to file oversize brief <u>251</u> are granted. Parties are reminded that motions shall be noticed pursuant to this Court's standing order or they may be stricken. Mailed notice (gel,) (Entered: 11/07/2018)
11/09/2018	<u>259</u>	MINUTE entry before the Honorable John Robert Blakey: On the Court's own motion, the final pretrial conference hearing previously set for 2/25/2019 is reset for 2/22/2019 at 1:00 p.m. in Courtroom 1203. Mailed notice (gel,) (Entered: 11/09/2018)
11/16/2018	<u>260</u>	SEALED RESPONSE by US Commodity Futures Trading Commission to MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC to strike <i>Dr. William Wilson's August 31, 2018 Report</i> <u>232</u> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12)(Frisch, Michael) (Entered: 11/16/2018)
11/30/2018	<u>261</u>	MOTION by Plaintiff US Commodity Futures Trading Commission for leave to file <i>Oversized Brief</i> (Attachments: # <u>1</u> Exhibit A - CFTC's Reply in Support of Its Motion for Summary Judgment)(Frisch, Michael) (Entered: 11/30/2018)
11/30/2018	<u>262</u>	SEALED EXHIBIT by Plaintiff US Commodity Futures Trading Commission <i>Exhibit A - CFTC's Reply in Support of Its Motion for Summary Judgment</i> regarding MOTION by Plaintiff US Commodity Futures Trading Commission for leave to file <i>Oversized Brief</i> <u>261</u> (Frisch, Michael) (Entered: 11/30/2018)
11/30/2018	<u>263</u>	NOTICE of Motion by Michael David Frisch for presentment of motion for leave to file <u>261</u> before Honorable John Robert Blakey on 12/6/2018 at 09:45 AM. (Frisch, Michael) (Entered: 11/30/2018)
11/30/2018	<u>264</u>	SEALED DOCUMENT by Plaintiff US Commodity Futures Trading Commission <i>CFTC's Response to Defendants' Rule 56.1 Statement of Additional Material Facts in Opposition to CFTC's Motion for Summary Judgment</i> (Frisch, Michael) (Entered: 11/30/2018)
11/30/2018	<u>265</u>	SEALED DOCUMENT by Plaintiff US Commodity Futures Trading Commission <i>Declaration of Stephanie Reinhart in Support of the CFTC's Reply in Support of Its Motion for Summary Judgment</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33, # <u>34</u> Exhibit 34, # <u>35</u>

		Exhibit 35, # <u>36</u> Exhibit 36, # <u>37</u> Exhibit 37, # <u>38</u> Exhibit 38, # <u>39</u> Exhibit 39, # <u>40</u> Exhibit 40, # <u>41</u> Exhibit 41, # <u>42</u> Exhibit 42, # <u>43</u> Exhibit 43, # <u>44</u> Exhibit 44, # <u>45</u> Exhibit 45, # <u>46</u> Exhibit 46, # <u>47</u> Exhibit 47, # <u>48</u> Exhibit 48, # <u>49</u> Exhibit 49, # <u>50</u> Exhibit 50, # <u>51</u> Exhibit 51, # <u>52</u> Exhibit 52, # <u>53</u> Exhibit 53, # <u>54</u> Exhibit 54, # <u>55</u> Exhibit 55, # <u>56</u> Exhibit 56)(Frisch, Michael) (Entered: 11/30/2018)
11/30/2018	<u>266</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file <i>an Oversize Reply Brief in Support of Their Motion for Summary Judgment (Unopposed)</i> . (Panos, Dean) (Entered: 11/30/2018)
11/30/2018	<u>267</u>	SEALED EXHIBIT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC - <i>Exhibit A - Reply Memorandum of Law in Support of Defendants' Motion for Summary Judgment</i> regarding MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file <i>an Oversize Reply Brief in Support of Their Motion for Summary Judgment (Unopposed)</i> . <u>266</u> (Panos, Dean) (Entered: 11/30/2018)
11/30/2018	<u>268</u>	SEALED DOCUMENT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC - <i>Defendants' Response to Plaintiff's Rule 56.1 Statement of Additional Facts in Opposition to Defendants' Motion for Summary Judgment</i> (Panos, Dean) (Entered: 11/30/2018)
11/30/2018	<u>269</u>	SEALED DOCUMENT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC - <i>Declaration of Daniel T. Fenske in support of Defendants' Reply Memorandum in Support of Their Motion for Summary Judgment and Defendants' Response to Plaintiff's Rule 56.1 Statement of Additional Facts in Opposition to Defendants' Motion for Summary Judgment</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10) (Panos, Dean) (Entered: 11/30/2018)
11/30/2018	<u>270</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion for leave to file <u>266</u> before Honorable John Robert Blakey on 12/6/2018 at 09:45 AM. (Panos, Dean) (Entered: 11/30/2018)
11/30/2018	<u>271</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file <i>an Oversize Reply Brief in Support of Their Motion to Exclude the Proffered Opinions of the CFTC's Economic Expert, Dr. William Wilson</i> (Panos, Dean) (Entered: 11/30/2018)
11/30/2018	<u>272</u>	SEALED EXHIBIT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC - <i>Exhibit A - Reply Memorandum of Law in Support of Defendants' Motion to Exclude the Proffered Opinions of the CFTC's Economic Expert, Dr. William Wilson</i> regarding MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file <i>an Oversize Reply Brief in Support of Their Motion to Exclude the Proffered Opinions of the CFTC's Economic Expert, Dr. William Wilson</i> <u>271</u> (Panos, Dean) (Entered: 11/30/2018)
11/30/2018	<u>273</u>	SEALED DOCUMENT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC - <i>Declaration of Daniel T. Fenske in support of Defendants' Reply Memorandum of Law in Support of Defendants' Motion to Exclude the Proffered Opinions of the CFTC's Economic Expert, Dr. William Wilson</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Panos, Dean) (Entered: 11/30/2018)
11/30/2018	<u>274</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion for leave to file <u>271</u> before Honorable John Robert Blakey on 12/6/2018 at 09:45 AM. (Panos, Dean) (Entered: 11/30/2018)
11/30/2018	<u>275</u>	EXHIBIT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC - <i>Exhibit A (REDACTED PUBLIC VERSION) - Reply Memorandum of Law in Support of Defendants' Motion for Summary Judgment</i> regarding MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file <i>an Oversize Reply Brief in</i>

		<i>Support of Their Motion for Summary Judgment (Unopposed).</i> <u>266</u> (Panos, Dean) (Entered: 11/30/2018)
12/04/2018	<u>276</u>	MINUTE entry before the Honorable John Robert Blakey: The parties' motions for leave to file oversized briefs <u>261</u> , <u>266</u> , <u>271</u> are granted. The 12/6/18 Notice of Motion date is stricken, and the parties need not appear. Mailed notice (gel,) (Entered: 12/04/2018)
12/13/2018	<u>277</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file / <i>Defendants' Unopposed Motion for Leave to File Notice of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Panos, Dean) (Entered: 12/13/2018)
12/13/2018	<u>278</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion for leave to file <u>277</u> before Honorable John Robert Blakey on 12/18/2018 at 09:45 AM. (Panos, Dean) (Entered: 12/13/2018)
12/14/2018	<u>279</u>	MOTION by Plaintiff US Commodity Futures Trading Commission for leave to file <i>CFTC's Response to Notice of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit A) (Frisch, Michael) (Entered: 12/14/2018)
12/14/2018	<u>280</u>	NOTICE of Motion by Michael David Frisch for presentment of motion for leave to file <u>279</u> before Honorable John Robert Blakey on 12/18/2018 at 09:45 AM. (Frisch, Michael) (Entered: 12/14/2018)
12/14/2018	<u>281</u>	MINUTE entry before the Honorable John Robert Blakey: Defendant's unopposed motion for leave to file supplemental authority <u>277</u> is granted. Plaintiff need not, but may, file a response of up to 3 pages by 12/21/18. the 12/18/18 Notice of Motion date is stricken, and the parties need not appear. Mailed notice (gel,) (Entered: 12/14/2018)
12/17/2018	<u>282</u>	MOTION by Attorney Daniel T. Fenske to withdraw as attorney for Kraft Foods Group, Inc., Mondelez Global LLC. No party information provided (Panos, Dean) (Entered: 12/17/2018)
12/17/2018	<u>283</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion to withdraw as attorney <u>282</u> before Honorable John Robert Blakey on 1/8/2019 at 09:45 AM. (Panos, Dean) (Entered: 12/17/2018)
12/18/2018	<u>284</u>	MOTION by Plaintiff US Commodity Futures Trading Commission to compel <i>Defendants to Produce Deposition Transcripts and Exhibits from the Ploss Action</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Gradman, Susan) (Entered: 12/18/2018)
12/18/2018	<u>285</u>	NOTICE of Motion by Susan J. Gradman for presentment of motion to compel <u>284</u> before Honorable John Robert Blakey on 1/9/2019 at 09:45 AM. (Gradman, Susan) (Entered: 12/18/2018)
12/18/2018	<u>286</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file / <i>Defendants' Motion for Leave to Reply in Support of Defendants' Motion to Strike Dr. William Wilson's August 31, 2018 Report</i> (Panos, Dean) (Entered: 12/18/2018)
12/18/2018	<u>287</u>	SEALED EXHIBIT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC / <i>Reply Memorandum of Law in Support of Defendants' Motion to Strike Dr. William Wilson's August 31, 2018 Report</i> regarding MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for leave to file / <i>Defendants' Motion for Leave to Reply in Support of Defendants' Motion to Strike Dr. William Wilson's August 31, 2018 Report</i> <u>286</u> (Panos, Dean) (Entered: 12/18/2018)
12/18/2018	<u>288</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion for leave to file <u>286</u> before Honorable John Robert Blakey on 1/9/2019 at 09:45 AM. (Panos, Dean) (Entered: 12/18/2018)

12/19/2018	<u>289</u>	EXHIBIT by Defendants Kraft Foods Group, Inc., Mondelez Global LLC [REDACTED PUBLIC VERSION] regarding exhibit, <u>287</u> (Panos, Dean) (Entered: 12/19/2018)
12/26/2018	<u>290</u>	MOTION by Plaintiff US Commodity Futures Trading Commission to stay <i>Deadlines</i> (Gradman, Susan) (Entered: 12/26/2018)
01/07/2019	<u>291</u>	MINUTE entry before the Honorable John Robert Blakey: The Clerk is directed to terminate Plaintiff's unopposed motion for leave to file a response to Defendants' supplemental authority <u>279</u> as a pending motion in light of the Court's 12/14/18 Order <u>281</u> . Defendants' motion to withdraw the appearance of Daniel T. Fenske <u>282</u> is granted, and the Clerk is directed to remove Attorney's Fenske's appearance from the docket. Defendants' motion for leave to file a reply in support of their motion to strike Dr. Wilson's report <u>286</u> is granted, and Defendants are directed to file the proposed reply as a separate docket entry. Plaintiff's motion to stay <u>290</u> is granted. The 1/8/19 and 1/9/19 Notice of Motion dates are stricken, and the parties need not appear. The case is set for a status hearing on 1/24/19 at 9:45 a.m. in Courtroom 1203. If Plaintiff's counsel's employment status is reinstated before that date, counsel shall immediately notify the Court. Mailed notice (gel,) (Entered: 01/07/2019)
01/09/2019	<u>292</u>	MINUTE entry before the Honorable John Robert Blakey: In light of the continued partial government shutdown, the status hearing previously set for 1/24/19 is stricken. This matter is suspended, postponed, and held in abeyance until further notice, and all dates and deadlines are stricken. Plaintiff's counsel shall call the Courtroom Deputy when their employment status is fully restored, and the Court will set the case for a status hearing. Mailed notice (gel,) (Entered: 01/09/2019)
01/28/2019	<u>293</u>	MINUTE entry before the Honorable John Robert Blakey: Appropriations having been restored to fund the Department of Justice and other Executive Branch agencies, this case is set for a status hearing on 2/12/19 at 9:45 a.m. in Courtroom 1203. Mailed notice (gel,) (Entered: 01/28/2019)
02/12/2019	<u>294</u>	MINUTE entry before the Honorable John Robert Blakey: Status hearing held on 2/12/2019. Based upon the representations of the parties, the settlement conference previously set for 2/15/2019, is stricken. Parties shall contact the Courtroom Deputy if they wish to reset settlement conference. Case management hearing set for 2/26/2019 at 10:15 a.m. in Courtroom 1203. Mailed notice (gel,) (Entered: 02/12/2019)
02/22/2019	<u>295</u>	MINUTE entry before the Honorable John Robert Blakey: On the Court's own motion, the status hearing set for 2/26/19 at 10:15 is reset for 2/26/19 at 9:00 a.m. Note: Time Change Only. Mailed notice (gel,) (Entered: 02/22/2019)
02/26/2019	<u>296</u>	MINUTE entry before the Honorable John Robert Blakey: Status hearing held on 2/26/2019. Settlement conference set for 3/22/2019 at 11:00 a.m. in Courtroom 1203. Plaintiff shall deliver demand letter to Defendant on or before 3/18/2019; Defendant shall deliver response letter to Plaintiff on or before 3/20/2019; Plaintiff shall deliver all letters to Chambers on or before 3/21/2019. Copies of the settlement conference letters shall not be filed with the Clerks Office. The Parties shall come to the settlement conference with a precise accounting of costs properly taxable under 28 U.S.C. §1920, both incurred in the litigation to date and an estimate of taxable costs that would be incurred should the matter proceed to trial. Parties with full and complete settlement authority must attend the conference personally. The term full and complete settlement authority includes the authority to negotiate and agree to a binding settlement agreement at any level up to the settlement demand of Plaintiff or any level as low as the offer provided by Defendant. Parties attending the conference should be sure to review and consider the settlement letters exchanged between the parties in advance of the conference. The Court generally will follow a mediation format; that is, each side will have an opportunity to make a presentation, followed by joint discussion with the Court and private meetings by the

		Court with each side individually. The Court expects both the lawyers and the party representatives to be fully prepared to participate in the discussions and meetings. All statements made during the settlement conference will remain confidential and will not be admissible at trial. Mailed notice (gel,) (Entered: 02/26/2019)
03/01/2019	<u>297</u>	MOTION by Attorney Rosemary Hollinger to withdraw as attorney for US Commodity Futures Trading Commission. No party information provided (Hollinger, Rosemary) (Entered: 03/01/2019)
03/04/2019	<u>298</u>	MINUTE entry before the Honorable John Robert Blakey: Rosemary Hollinger's motion for leave to withdraw as counsel <u>297</u> is granted. Mailed notice (gel,) (Entered: 03/04/2019)
03/20/2019	<u>299</u>	<p>TRANSCRIPT OF PROCEEDINGS held on February 26, 2019, before the Honorable John Robert Blakey. Order Number: 33916. Court Reporter Contact Information: Laura LaCien, 312-408-5032, laura_lacien@ilnd.uscourts.gov.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 4/10/2019. Redacted Transcript Deadline set for 4/22/2019. Release of Transcript Restriction set for 6/18/2019. (Lacien, Laura) (Entered: 03/20/2019)</p>
03/20/2019	<u>300</u>	SEALED TRANSCRIPT OF PROCEEDINGS held on February 26, 2019, before the Honorable John Robert Blakey. Court Reporter Contact Information: Laura LaCien, 312-408-5032, laura_lacien@ilnd.uscourts.gov. (Lacien, Laura) (Entered: 03/20/2019)
03/20/2019	<u>301</u>	<p>TRANSCRIPT OF PROCEEDINGS held on February 12, 2019, before the Honorable John Robert Blakey. Order Number: 33916. Court Reporter Contact Information: Laura LaCien, 312-408-5032, laura_lacien@ilnd.uscourts.gov.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 4/10/2019. Redacted Transcript Deadline set for 4/22/2019. Release of Transcript Restriction set for 6/18/2019. (Lacien, Laura) (Entered: 03/20/2019)</p>
03/22/2019	<u>302</u>	MINUTE entry before the Honorable John Robert Blakey: Settlement conference held on 3/22/2019. Parties have reached a binding agreement, and all material terms were placed on the record. The parties shall submit a proposed consent order to this Court's proposed order inbox before the next court date. Consistent with the settlement protocol, the parties may not discuss the settlement conference. The case is set for a status on 5/28/2019 at 9:45 a.m. in Courtroom 1203. All other pending dates and deadlines are stricken. Mailed notice (gel,) (Entered: 03/25/2019)
04/08/2019	<u>303</u>	SEALED TRANSCRIPT OF PROCEEDINGS held on March 22, 2019, before the Honorable John Robert Blakey. Court Reporter Contact Information: Laura LaCien, 312-

		408-5032, laura_lacien@ilnd.uscourts.gov. (Lacien, Laura) (Entered: 04/08/2019)
05/17/2019	<u>304</u>	MOTION by Attorney Michael D. Frisch to withdraw as attorney for US Commodity Futures Trading Commission. No party information provided (Frisch, Michael) (Entered: 05/17/2019)
05/21/2019	<u>305</u>	MINUTE entry before the Honorable John Robert Blakey: Michael D. Frisch's motion to withdraw as counsel <u>304</u> is granted. Mailed notice (gel,) (Entered: 05/21/2019)
05/28/2019	<u>306</u>	MINUTE entry before the Honorable John Robert Blakey: Status hearing held on 5/28/2019 and continued to 7/30/2019 at 9:45 a.m. in Courtroom 1203. Mailed notice (gel,) (Entered: 05/28/2019)
07/30/2019	<u>307</u>	MINUTE entry before the Honorable John Robert Blakey: Status hearing held on 7/30/19. All pending motions denied as moot. Status hearing set for 8/13/2019 at 9:45 a.m. in Courtroom 1203. Mailed notice. (cc,) (Entered: 07/30/2019)
08/12/2019	<u>308</u>	MINUTE entry before the Honorable John Robert Blakey: At the request of the parties, the status hearing previously set for 8/13/19 is stricken and reset for 8/15/19 at 9:45 a.m. in Courtroom 1203. Mailed notice (gel,) (Entered: 08/12/2019)
08/14/2019	<u>309</u>	MINUTE entry before the Honorable John Robert Blakey: At the parties' request, the Court approves the accompanying Consent Order, which resolves all remaining issues in this case. Enter Order. Consistent with the accompanying order, this case is hereby dismissed with prejudice, though the Court retains jurisdiction to enforce the Consent Order entered today. All set dates and deadlines, including the 8/15/19 status hearing, are stricken. Civil case terminated. Mailed notice (gel,) (Entered: 08/15/2019)
08/14/2019	<u>310</u>	CONSENT ORDER Signed by the Honorable John Robert Blakey on 8/14/2019. Mailed notice(gel,) (Entered: 08/15/2019)
08/15/2019	<u>311</u>	ENTERED JUDGMENT Mailed notice(gel,) (Entered: 08/15/2019)
08/15/2019	<u>312</u>	MINUTE entry before the Honorable John Robert Blakey: Oral agreed motion to set case for emergency status is granted. Emergency status hearing is set for 8/19/2019 at 10:30 a.m. in Courtroom 1203. No telephonic appearances will be permitted. Plaintiff should come prepared to answer allegations it has violated court orders and should be held in contempt and or subject to sanctions. Mailed notice (gel,) (Entered: 08/15/2019)
08/16/2019	<u>313</u>	ATTORNEY Appearance for Plaintiff US Commodity Futures Trading Commission by Martin B. White (White, Martin) (Entered: 08/16/2019)
08/16/2019	<u>314</u>	MOTION by Plaintiff US Commodity Futures Trading Commission for leave to appear Pro Hac Vice. (White, Martin) Docket Text Modified by Clerk's Office on 8/19/2019 (jh,). (Entered: 08/16/2019)
08/16/2019	<u>315</u>	SEALED MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC <i>for Contempt, Sanctions, and Other Relief</i> (Panos, Dean) (Entered: 08/16/2019)
08/16/2019	<u>316</u>	MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for sanctions - <i>Motion for Contempt, Sanctions, and Other Relief (Public Redacted Version)</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Panos, Dean) (Entered: 08/16/2019)
08/16/2019	<u>317</u>	NOTICE of Motion by Dean Nicholas Panos for presentment of motion for sanctions <u>316</u> , Sealed motion <u>315</u> before Honorable John Robert Blakey on 8/19/2019 at 10:30 AM. (Panos, Dean) (Entered: 08/16/2019)
08/17/2019	<u>318</u>	RESPONSE by US Commodity Futures Trading Commission in Opposition to SEALED MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC <i>for Contempt,</i>

		<i>Sanctions, and Other Relief</i> <u>315</u> , MOTION by Defendants Kraft Foods Group, Inc., Mondelez Global LLC for sanctions - <i>Motion for Contempt, Sanctions, and Other Relief (Public Redacted Version)</i> <u>316</u> (White, Martin) (Entered: 08/17/2019)
08/19/2019	<u>319</u>	MINUTE entry before the Honorable John Robert Blakey: Motion hearing held on 8/19/2019. Martin B. White's motion for leave to appear pro hac vice <u>314</u> is granted. Sealed motion <u>315</u> and Defendant's motion for contempt, sanctions and other relief <u>316</u> are taken under advisement and set by agreement for evidentiary hearing on 9/12/2019 at 11:00 a.m. in Courtroom 1203. Assertion of the Fifth Amendment by the Plaintiff CFTC, and provisional assertions of the Fifth Amendment by Commissioners Rostin Behnam and Dan Berkovitz, are noted for the record pending further proceedings. By agreement, all counsel of record, as well as Jamie McDonald, Chairman Heath Tarbert, Commissioners Rostin Behnam and Dan Berkovitz, are ordered to appear in person at the evidentiary hearing and provide live testimony as needed. Sworn factual proffer by Scott Williamson and any supplemental filings or memorandum of law, including any other assertions of privilege (or any procedural or substantive objections) by anyone, must be filed under seal on or before 9/6/2019. By agreement of the parties, motion <u>316</u> and response <u>318</u> will be sealed pending further order of the Court. Plaintiff CFTC, and Commissioners Rostin Behnam and Dan Berkovitz, agree to voluntarily remove the disputed press releases immediately from the CFTC website until the next court date. Mailed notice (gel,) (Entered: 08/19/2019)

PACER Service Center			
Transaction Receipt			
08/21/2019 14:52:52			
PACER Login:	benjaminsauter:4219504:3936994	Client Code:	98000.100
Description:	Docket Report	Search Criteria:	1:15-cv-02881
Billable Pages:	30	Cost:	3.00

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

U.S. COMMODITY FUTURES TRADING COMMISSION, Plaintiff, v. KRAFT FOODS GROUP, INC. and MONDELEZ GLOBAL LLC, Defendants,	Case No. 15 CV 2881 Hon. John Robert Blakey
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CONSENT ORDER

On April 1, 2015, Plaintiff Commodity Futures Trading Commission (the "Commission" or "CFTC") filed a Complaint for Injunctive Relief, Civil Monetary Penalties, and Other Equitable Relief [1] against Defendants Kraft Foods Group, Inc. and Mondelez Global LLC (collectively, "Defendants") alleging that Defendants used or attempted to use a manipulative or deceptive device in connection with the December 2011 wheat futures contract traded on the Chicago Board of Trade (Count I), manipulated or attempted to manipulate the price of the December 2011 wheat futures contract and of cash wheat (Count II), unlawfully held December 2011 wheat futures positions in excess of speculative position limits (Count III), and engaged in wash sales or fictitious sales by trading both sides of EFP contracts (Count IV) in violation of Sections 4a(b), 4a(e), 4c(a), 6(c)(1), 6(c)(3), and 9(a)(2) of the Commodity Exchange Act ("CEA"), 7 U.S.C. §§ 6a(b), 6a(e), 6c(a), 9(1), 9(3), 13(a)(2) (2012), and Commission Regulations ("Regulations") 1.38, 150.2, 180.1, and 180.2, 17 C.F.R. §§ 1.38, 150.2, 180.1, 180.2 (2014).

Defendants filed their Answer [88] on January 15, 2016, and have denied that they (1) used or attempted to use a manipulative or deceptive device in connection with the December 2011 wheat futures contract traded on the Chicago Board of Trade as alleged by the CFTC in Count I of the Complaint; (2) manipulated or attempted to manipulate the price of the December 2011 wheat futures contract and of cash wheat as alleged by the CFTC in Count II of the Complaint; (3) unlawfully held December 2011 wheat futures positions in excess of speculative position limits as alleged by the CFTC in Count III of the Complaint; and (4) engaged in wash sales or fictitious sales by trading both sides of EFP contracts as alleged by the CFTC in Count IV of the Complaint. Defendants denied any violation of Sections 4a(b), 4a(e), 4c(a), 6(c)(1), 6(c)(3), and 9(a)(2) of the CEA, 7 U.S.C. §§ 6a(b), 6a(e), 6c(a), 9(1), 9(3), 13(a)(2) (2012), and Regulations 1.38, 150.2, 180.1, and 180.2, 17 C.F.R. §§ 1.38, 150.2, 180.1, 180.2 (2014).

The CFTC and Defendants have reached a resolution and are settling this action in accordance with the terms arising from the Court's settlement conference on March 22, 2019 and as set forth below.

I. CONSENTS AND AGREEMENTS

To effect settlement of the matters alleged in the Complaint without a trial on the merits or any further judicial proceedings:

1. The CFTC and Defendants consent to the entry of this Consent Order and agree to be bound by its terms;
2. The Court has jurisdiction over the parties and the subject matter of this action pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1 (2012);
3. The CFTC has jurisdiction over the conduct and transactions at issue in this action pursuant to the Act, 7 U.S.C. §§ 1-26 (2012);
4. Venue properly lies with this Court pursuant to Section 6c(e) of the Act, 7 U.S.C.

§ 13a-1(e)(2012);

5. The CFTC and Defendants waive any and all rights of appeal from this action;
6. The CFTC and Defendants consent to the continued jurisdiction of this Court over them for the purpose of implementing and enforcing the terms of this Consent Order;
7. The CFTC and Defendants do not consent to the use of this Consent Order by any party in any other proceeding;
8. Neither party shall make any public statement about this case other than to refer to the terms of this settlement agreement or public documents filed in this case, except any party may take any lawful position in any legal proceedings, testimony or by court order.

II. INJUNCTION

Nothing in this Order reflects an agreement or a legal determination that Defendants have or have not violated any provision of the CEA. Defendants agree to, and the Court hereby orders, the entry of an injunction prohibiting the Defendants from in the future violating any of the following provisions:

(a) Section 6(c)(1) of the CEA, 7 U.S.C. § 9(1) (2012), and Regulation 180.1, 17 C.F.R. § 180.1 (2018), which makes it unlawful for any person to use or employ or attempt to use or employ, in connection with any swap, or a contract of sale of any commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity, any manipulative or deceptive device or contrivance;

(b) Sections 6(c)(3) and 9(a)(2) of the CEA, 7 U.S.C. §§ 9(3), 13(a)(2) (2012), and Regulation 180.2, 17 C.F.R. § 180.2 (2018), which make it unlawful for any person to manipulate or attempt to manipulate the price of any swap, or of any commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity;

(c) Sections 4a(b) and 4a(e) of the CEA, 7 U.S.C. §§ 6a(b), 6a(e) (2012), and Regulation 150.2, 17 C.F.R. § 150.2 (2018), which make it unlawful to hold or control a net long or short position in any commodity for future delivery on or subject to the rules of any contract market in excess of any position limit fixed by the Commission for or with respect to such commodity, or violate a rule of a contract market or board of trade

fixing limits on the amount of trading which may be done or positions which may be held by any person if such rule was approved by the CFTC; and

(d) Section 4c(a) of the CEA, 7 U.S.C. § 6c(a)(2012), and Regulation 1.38, 17 C.F.R. § 1.38 (2018), which makes it unlawful to offer to enter into, enter into or confirm the execution of a transaction involving the purchase or sale of any commodity for future delivery that is, is of the character of, or is commonly known to the trade as a 'wash sale,' that is a fictitious sale, or that is used to cause any price to be reported, registered, or recorded that is not a true and bona fide price, or that is executed noncompetitively but not in accordance with the written rules of the contract market which have been submitted to and approved by the Commission.

III. CIVIL MONETARY PENALTY

Defendants agree to pay, and the Court orders, a monetary penalty according to the terms set forth below:

1. Defendant Mondelez Global shall pay a civil monetary penalty in the amount of SIXTEEN MILLION DOLLARS (\$16,000,000) ("CMP Obligation") within ninety (90) days of the date of entry of this Consent Order. Defendants are jointly and severally liable for the CMP Obligation. If the CMP Obligation is not paid in full within ninety days of the date of entry of this Consent Order, then post-judgment interest shall accrue on the CMP Obligation beginning on the date of entry of this Consent Order and shall be determined by using the Treasury Bill rate prevailing on the date of entry of this Consent Order pursuant to 28 U.S.C. § 1961 (2012).

2. Defendant Mondelez Global shall pay the CMP Obligation and any post-judgment interest by electronic funds transfer, U.S. postal money order, certified check, bank cashier's check, or bank money order. If payment is to be made other than by electronic funds transfer, then the payment shall be made payable to the Commodity Futures Trading Commission and sent to the address below:

MMAC/ESC/ AMK326
Commodity Futures Trading Commission
Division of Enforcement
6500 S. MacArthur Blvd.

HQ Room 181
Oklahoma City, OK 73169
(405) 954-6569 office
(405) 954-1620 fax
9-AMC-AR-CFTC@faa.gov

If payment by electronic funds transfer is chosen, Defendants shall contact Marie Thome or her successor at the address above to receive payment instructions and shall fully comply with those instructions. Defendants shall accompany payment of the CMP Obligation with a cover letter that identifies Defendants and the name and docket number of this proceeding. Defendants shall simultaneously transmit copies of the cover letter and the form of payment to the Chief Financial Officer, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, D.C. 20581.

3. Partial Satisfaction: Acceptance by the CFTC of any partial payment of Defendants' CMP Obligation shall not be deemed a waiver of their obligation to make further payments pursuant to this Consent Order, or a waiver of the CFTC's right to seek to compel payment of any remaining balance.

IV. MISCELLANEOUS PROVISIONS

4. Notice: All notices required to be given by any provision in this Consent Order shall be sent certified mail, return receipt requested, with reference to the name and docket number of this action, as follows:

Notice to the CFTC:

Scott Williamson, Acting Deputy Director
U.S. Commodity Futures Trading Commission, Division of Enforcement
525 W. Monroe St., Suite 1100
Chicago, IL 60661

Notice to Defendants:

Kraft Foods Group, Inc. and Mondelez Global LLC

C/O Jenner & Block LLP
Attn: Dean N. Panos and J. Kevin McCall
353 N. Clark Street
Chicago, IL 60654-3456

5. Change of Address/Phone: Until such time as Defendants satisfy in full their CMP Obligation as set forth in this Consent Order, Defendants shall provide written notice to the CFTC by certified mail of any change to their telephone number or mailing address within ten calendar days of the change

6. Entire Agreement and Amendments: This Consent Order incorporates all of the terms and conditions of the settlement among the parties hereto to date. Nothing shall serve to amend or modify this Consent Order in any respect whatsoever, unless: (a) reduced to writing; (b) signed by all parties hereto; and (c) approved by order of this Court.

7. Invalidation: If any provision of this Consent Order or if the application of any provision or circumstance is held invalid, then the remainder of this Consent Order and the application of the provision to any other person or circumstance shall not be affected by the holding.

8. Waiver: The failure of any party to this Consent Order at any time to require performance of any provision of this Consent Order shall in no manner affect the right of the party at a later time to enforce the same or any other provision of this Consent Order. No waiver in one or more instances of the breach of any provision contained in this Consent Order shall be deemed to be or construed as a further or continuing waiver of such breach or waiver of the breach of any other provision of this Consent Order.

9. Continuing Jurisdiction of this Court: Upon entry by the Court of this Consent Order all of the claims asserted by the CFTC in the Complaint are dismissed with prejudice. However, this Court shall retain jurisdiction of this action to ensure compliance with this Consent

Order.

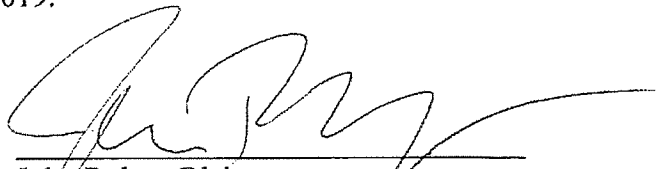
10. Injunctive Provisions: The injunctive provisions of this Consent Order shall be binding upon Defendants, upon any person under their authority or control, and upon any person who receives actual notice of this Consent Order insofar as he or she is acting in active concert or participation with Defendants.

11. Authority: Undersigned Counsel for Defendants hereby warrants that he is the attorney for Defendants Kraft Foods Group, Inc. and Mondelez Global LLC, and that this Consent Order has been duly authorized by Defendants Kraft Foods Group, Inc. and Mondelez Global LLC, and that he has been duly empowered to sign and submit this Consent Order on behalf of Defendants Kraft Foods Group, Inc. and Mondelez Global LLC.

12. Counterparts and Execution: This Consent Order may be executed in two or more counterparts, all of which shall be considered one and the same agreement and shall become effective when one or more counterparts have been signed by each of the parties hereto and delivered (by hand delivery or certified mail) to the other party, it being understood that all parties need not sign the same counterpart. Any counterpart or other signature to this Consent Order that is delivered by any means shall be deemed for all purposes as constituting good and valid execution and delivery by such party of this Consent Order.


There being no just reason for delay, the Clerk of the Court is hereby directed to enter this Consent Order.

IT IS SO ORDERED on this 14th day of August, 2019.



John Robert Blakey
United States District Judge

CONSENTED TO AND APPROVED BY:


Kraft Foods Group, Inc.

Date: 8-9-2019

Mondelēz Global LLC

Date: _____


Approved as to form:

Dean N. Panos
J. Kevin McCall
Nicole A. Allen
Thomas E. Quinn

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Mondelēz Global LLC


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Susan Gradman
Stephanie Reinhart

Attorneys for U.S. Commodity Futures
Trading Commission
Division of Enforcement
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(312) 596-0523 (Gradman)
(312) 596-0688 (Reinhart)
rhowell@cftc.gov
sgradman@cftc.gov
sreinhardt@cftc.gov

CONSENTED TO AND APPROVED BY:

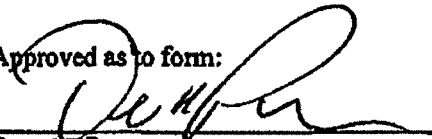
Kraft Foods Group, Inc.

Date: _____



Mondelez Global LLC

Date: 08/12/2019

Approved as to form: _____


Dean N. Panos
J. Kevin McCall
Nicole A. Allen
Thomas E. Quinn

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Chicago, IL 60661
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(312) 596-0523 (Gradman)
(312) 596-0688 (Reinhart)
rhowell@cftc.gov
sgradman@cftc.gov
sreinhardt@cftc.gov

EXHIBIT D

Colette L. Morris

From: TrackingUpdates@fedex.com
Sent: Thursday, August 22, 2019 9:02 AM
To: Colette L. Morris
Subject: [EXTERNAL] FedEx Shipment 776043773067 Delivered

This tracking update has been requested by:

Company Name: Kobre & Kim LLP
Name: Colette L. Morris
E-mail: colette.morris@kobrekim.com

Our records indicate that the following shipment has been delivered:

Reference: 98000/400
Ship date: Aug 21, 2019
Signed for by: L.SMITH
Delivery location: Washinton, DC
Delivered to: Mailroom
Delivery date: Thu, 8/22/2019 8:54 am
Service type: FedEx Standard Overnight®
Packaging type: FedEx® Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Deliver Weekday
Standard transit: 8/22/2019 by 3:00 pm

Tracking number: 776043773067

Shipper Information	Recipient Information
Colette L. Morris	FOIA Compliance Office
Kobre & Kim LLP	CFTC
800 Third Avenue	1155 21st Street NW
New York	Three Lafayette Centre
NY	Washinton
US	DC
10022	US
	20581

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 8:01 AM CDT on 08/22/2019.

All weights are estimated.

The shipment is scheduled for delivery on or before the scheduled delivery displayed above. FedEx does not determine money-back guarantee or delay claim requests based on the scheduled delivery. Please see the FedEx Service Guide for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx customer support representative.

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