

UNITED STATES OF AMERICA

Before the

SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

Release No. 93551 / November 10, 2021

ADMINISTRATIVE PROCEEDING

File No. 3-20650

In the Matter of

American CryptoFed DAO LLC,

Respondent.

MOTION FOR A PROCEDURE TO

DETERMINE THE DATE AND TIME FOR

THE PREHEARING CONFERENCE

American CryptoFed DAO LLC (“American CryptoFed” or “Respondent”) hereby moves for a procedure to determine date and time of the prehearing conference required by the Order Instituting Administrative Proceedings and Notice of Hearing Pursuant to Section 12(j) of the Securities Exchange Act of 1934 (“OIP”). In the press release dated on November 10, 2021, attached as Exhibit 1, the Securities and Exchange Commission (“Commission”) announced to the world “*American CryptoFed’s registration of the two tokens is stayed pending a determination by **an administrative law judge** whether to deny or suspend the registration of the*

tokens.” (Emphasis added). American CryptoFed takes the Commission’s press release announcement seriously and sees this press release as a public promise to designate an administrative law judge as the Presiding officer pursuant to Rule 110. Rule 110 states as follows:

*All proceedings shall be presided over by the Commission or, if the Commission so orders, by a hearing officer. When **the Commission designates that the hearing officer shall be an administrative law judge**, the Chief Administrative Law Judge shall select, pursuant to 17 CFR 200.30-10, the administrative law judge to preside.* (Italic and emphasis added)

Given that the Commission already announced to the world that an administrative law judge will preside over this case, by this Motion Respondent now requests a hearing officer, e.g. the administrative law judge be assigned and, for the administrative law judge to decide the date and time for the initial prehearing conference, pursuant to Rule 221 Prehearing conference (b) Procedure stating “*On his or her own motion or at the request of a party, the hearing officer may, in his or her discretion, direct counsel or any party to meet for an initial, final or other prehearing conference.*”

The OIP ordered “*the Division of Enforcement and Respondent shall conduct a prehearing conference pursuant to Rule 221 of the Commission’s Rules of Practice, 17 C.F.R. § 201.221, within fourteen (14) days of service of the Answer.*” However, pursuant to Rule 221 (b) above, the hearing officer would still need to specify the date and time of the initial prehearing conference.


Given that Respondent has filed seven Motions for More Definite Statement together with the Answer to the OIP on December 6, 2021, the timing of the Commission’s orders regarding these seven motions may be considered in deciding the date and time of the initial

prehearing conference, as the hearing officer deems appropriate. The purposes of these seven Motions are to specify and clarify the facts and applicable laws, pursuant to Rule 220 (d) stating *“A respondent may file with an answer a motion for a more definite statement of specified matters of fact or law to be considered or determined.”* In order to have a fruitful and a constructive prehearing conference between the Division and Respondent pursuant to Rule 221, it is necessary to specify and clarify the facts and applicable laws which Respondent’s seven Motions have requested, because the Rule 221 Prehearing conference (c) prescribes the *“Subjects to be discussed”*, including but not limited to, *“Simplification and clarification of the issues;”* *“Stipulations, admissions of fact, and stipulations concerning the contents, authenticity, or admissibility into evidence of documents;”* *“Settlement of any or all issues;”* *“Amendments to the order instituting proceedings or answers thereto;”* etc.. All these items at least partially depend on the Commission’s orders regarding the seven Motions.

This motion arose as a result of email communications between Respondent and the Division of Enforcement (“Division”), dated December 7, 2021 through December 8, 2021, attached as Exhibit 2. The Division suggested that *“if you want to postpone the prehearing conference until after the deadline set by the Commission, you should file a motion asking for additional time to conduct the prehearing conference.”* (Exhibit 2, Date: Tue, Dec 7, 2021 at 3:20 PM). Instead of filing a motion for postponing the deadline set by the Commission, about which the Division said, *“We would likely oppose that motion”* (ibid), Respondent files this motion to request that the hearing officer, e.g. the administrative law judge, decide the date and time for the initial prehearing conference pursuant to Rule 221 Prehearing conference (b) Procedure, to which the Division should not have any legal basis to oppose.

Dated: December 8, 2021

Respectfully submitted,

DocuSigned by:

By /s/ Marian Orr

Marian Orr

CEO, American CryptoFed DAO LLC

1607 Capitol Ave Ste 327

Cheyenne, WY. 82001

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Motion was filed by eFAP and was served on the following on this 8th day of December 2021, in the manner indicated below:

By Email:

Christopher Bruckmann, Trial Counsel

Division of Enforcement – Trial Unit

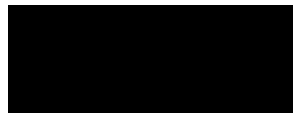
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By /s/ Marian Orr

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