

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 SCHEDULING THE
PREHEARING CONFERENCE AFTER
THE SECURITIES AND EXCHANGE
COMMISSION'S RULING ON MOTION
FOR MORE DEFINITE STATEMENT -
NO.2

American CryptoFed DAO LLC (“American CryptoFed” or “Respondent”) hereby requests that 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”), be scheduled after the Securities and Exchange Commission (“Commission”) has ruled on all the seven Motions for More Definite Statement (“Seven Motions”) filed by Respondent on December 6, 2021 together with Respondent’s Answer to the OIP.

OS Received 12/10/2021

Pursuant to Rule 220 (d) the purposes of these Seven Motions are to specify and clarify the facts and applicable laws. Rule 220. Answer to Allegations. (d) reads as follows:

“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 of Enforcement (“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.

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 subjects depend at least partially on the Commission’s orders regarding the Seven Motions.


This motion arose as a result of email communications between the Division and Respondent, dated December 7, 2021, through December 8, 2021, attached as Exhibit 1. The Division knows that the Seven Motions are still pending the Commission’s decision, and that the plain text of *Rule 220 Answer to allegations (d) Motion for more definite statement* expressly states, *“If the motion is granted, the order granting such motion **shall set the periods for filing such a statement and any answer thereto,**”* (Emphasis added). However, the Division continues to push scheduling the prehearing conference next week, without respect for Rule 220 (d), the purpose of which is to ensure that facts and applicable laws are specified and clarified.

On December 7, 2021, the Division requested “We would like to conduct the Prehearing Conference next week and keep this proceeding moving forward. The specific dates and times we are available next week are listed below.” (Exhibit 1, Date: Tue, Dec 7, 2021 at 3:20 PM). On the following day, December 8, 2021, the Division accelerated their request: “We have provided you with numerous time slots when we are available. To date, you have not provided us with any availability.” From Respondent’s perspective, the Division not only has been trying to circumvent *Rule 220 Answer to allegations (d) Motion for more definite statement*, but also has no intent to conduct the prehearing conference in good faith, because they show no interest in specifying and clarifying facts and applicable laws.

For the reasons set forth above, Respondent respectfully requests that the prehearing conference be scheduled after the Commission rules on all the Seven Motions.

Dated: December 9, 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 9th day of December 2021, in the manner indicated below:

By Email:

Christopher Bruckmann, Trial Counsel

Division of Enforcement – Trial Unit

U.S. Securities and Exchange Commission

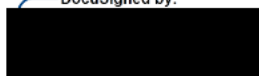
100 F Street, N.E.

Washington, D.C. 20549-5949

202-551-5986

bruckmannc@sec.gov

DocuSigned by:



By /s/ Marian Orr

Marian Orr

CEO, American CryptoFed DAO LLC

1607 Capitol Ave Ste 327

Cheyenne, WY. 82001