UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois − CM/ECF LIVE, Ver 6.3.1
Eastern Division

US Commodity Futures Trading Commission, et al.

Plaintiff,

v.

Case No.: 1:15−cv−02881
Honorable John Robert Blakey

Kraft Foods Group, Inc., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, October 23, 2019:

MINUTE entry before the Honorable John Robert Blakey: Based upon the Seventh Circuit's 10/22/2019 decision, this Court denies [315] and [316] as to any request for civil contempt personally against the CFTC Chairman, Commissioners, or staff members, but the motion remains at issue and under advisement in all other respects. These individuals need not appear to provide live testimony in connection with any further contempt proceedings. Per the Seventh Circuit's instruction, this Court will resolve the pending motion for contempt, sanctions, and other relief based upon the current record by separate order. This future order shall address not only the CFTC's alleged violations of the parties' own Consent Order, but also the alleged violations of this Court's other prior orders, including this Court's orders making the settlement conference discussions private in conformity with traditional trial court practice (which the Seventh Circuit did not address in its 10/22/19 decision). Consistent with this Court's practice throughout these proceedings, no other aspect of this case has been made private, and no secret adjudication has been, or will be, authorized. Furthermore, given the Seventh Circuit's ruling that portions of the confidentiality provision contained within the parties' Consent Order [310] are "ineffectual" (at least as applied to the Commissioners' actions in issuing the disputed press releases) and given the materiality of this aspect of the parties' settlement, this Court hereby vacates: (1) the Consent Order [310]; (2) this Court's order approving the Consent Order [309]; and (3) this Court's judgment [311], entered pursuant to that Consent Order. Quite simply, the factual record undermines the notion that the parties ever agreed to the CFTC's recent legal theory that the Consent Order would somehow bind the CFTC as an entity, but not bind the very agents through which it acts, i.e., its Chairman, Commissioners or staff members. Consequently, this case is reopened and the prior stay of proceedings [352] is lifted. This Court also reinstates the motions that were previously denied as moot in light of the parties' prior settlement: [210], [218], [221], [232], [284]. If the parties still wish to settle this matter short of trial, they remain free to do so and may submit a new proposed consent order for this Court's review. Absent a renegotiated settlement, however, the following motions [210], [218], [221], [232], [284] are set for a motion hearing on 11/20/2019 at 10:30 a.m. in Courtroom 1203. At that time, the parties should also be prepared to set a trial date. Mailed notice(gel,)

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