

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933
Release No. 11134 / November 18, 2022

ADMINISTRATIVE PROCEEDING
File No. 3-21243

In the Matter of

The Registration Statement of American

CryptoFed DAO LLC,

Respondent.

**MOTION TO EXTEND THE THREE
SCHEDULES OF THE PUBLIC
HEARING, THE PREHEARING
CONFERENCE AND FILING AN
ANSWER TO THE ORDER
INSTITUTING ADMINISTRATIVE
PROCEEDINGS PURSUANT TO
SECTION 8(d) OF THE SECURITIES
ACT OF 1933**

The Securities and Exchange Commission (“SEC” or “Commission”) instituted this proceeding with an Order Instituting Proceedings (OIP) on November 18, 2022. The OIP ordered American CryptoFed DAO LLC (“American CryptoFed”) to file an Answer within ten days after service of the OIP and ordered that a hearing before the Administrative Law Judge Carol Fox Foelak commence at 10:00 a.m. EST on December 1, 2022. Judge Foelak subsequently ordered a prehearing conference to be held by November 29, 2022.

I
Non-emergency and Non-urgency Matter

Since November 20, 2022, one business day after receiving the service on Friday, November 18, 2022, American CryptoFed has communicated to the Division of Enforcement (“Division”) that there is no urgency and emergency in this matter, given that there should be no possible damage to anyone, because, i) “Respondent’s Registration Statement is pending and is

not yet effective” (OIP at p.1), and ii) it is an undisputable fact that American CryptoFed’s Form S-1 Registration Statement filing includes a “delaying amendment”. (*see* Exhibit 1, p.1-2).

The Division did not oppose this non-emergency and non-urgency statement of American CryptoFed. In the Division’s November 23, 2022 email attached as Exhibit 2 (“November 23, 2022 Email”), the Division was unable to answer American CryptoFed’s first two key questions cited below:

Question 1: With the delaying amendment in effect, can you in good faith provide us with any substantial reasons, to justify “the expedited nature of these proceedings” and “the expedited schedule”? (*see* Exhibit 1, p.2).

Question 2: Can you provide us with any substantial reasons, in good faith, to explain whether the Division of Enforcement will be substantially prejudiced, if the current schedule, including the time extension of the scheduled date of the public hearing (December 1, 2022), the prehearing date (November 29, 2022) and the due date to file an Answer to the OIP (November 28, 2022) is extended? (*see* Exhibit 1, p.3).

American CryptoFed is entitled to a true and substantial prehearing conference schedule to prepare for the 15 items specified by Rule 221 Prehearing conference (c) Subjects to be discussed. Given that the scheduled date of the public hearing is December 1, 2022 (only 2 days after the prehearing date, November 29, 2022) and the due date to file an Answer to the OIP is November 28, 2022 (only one date before the prehearing date, November 29, 2022), American CryptoFed would be substantially prejudiced absent the time extension of the current schedule; including the time extension of the scheduled date of the public hearing, December 1, 2022, the prehearing date, November 29, 2022 and the due date to file an Answer to the OIP, November 28, 2022.

II

Motion for a Ruling on the Pleadings

American CryptoFed is entitled to a Motion for a Ruling on the Pleadings, pursuant to Rule 250 (a). American CryptoFed is planning to file the Motion for a Ruling on the Pleadings on the 14th day after the Answer to the OIP has been filed. The Division is entitled to 5 days to

respond to American CryptoFed's Motion for a Ruling on the Pleadings (excluding holidays and weekends), while American CryptoFed is entitled 3 days to reply to the Division's response (excluding holidays and weekends). As a result, 14 days (including holidays and weekends) + 5 days (excluding holidays and weekends) + 3 days (excluding holidays and weekends), in total, should reflect more than 22 calendar days. Both the Division and American CryptoFed should allow about 10 calendar days for Judge Foelak to make decisions. Therefore, it is reasonable to reschedule the prehearing conference date to early or middle January 2023. In the Division's November 23, 2022 Email (Exhibit 2), the Division was unable to answer American CryptoFed's third key question below:

Question 3: Does the Division of Enforcement have any legal basis to oppose a proposal to reschedule the prehearing conference date to early or middle January 2023? (*see* Exhibit 1, p.5).

III

Motion for Summary Disposition in 30- and 75-day Proceedings

American CryptoFed is entitled to a Motion for Summary Disposition, pursuant to Rule 250 (b), even if its Motion for a Ruling on the Pleadings is denied. If the Motion for a Ruling on the Pleadings is denied, and subsequently the prehearing conference has to be held in early or middle January, 2023, the Division and American CryptoFed should discuss the hearing date pursuant to Rule 221 Prehearing conference (c) Subjects to be discussed Item (10), for the Motion for Summary Disposition. The determination of hearing date should take into account of the time schedule of arranging witnesses and limited discovery allowed by the SEC's Rules of Practice and Judge Foelak. American CryptoFed believe that 60 calendar days are reasonable to organize witnesses, conduct limited discovery and prepare for the 15 items specified at Rule 221 Prehearing conference (c) Subjects to be discussed, which will naturally extend the hearing date

for Motion for Summary Disposition to early or middle March 2023. In the Division's November 23, 2022 Email (Exhibit 2), the Division was unable to answer American CryptoFed's fourth key question below:

Question 4: Does the Division of Enforcement have any legal basis to oppose the proposal to extend the hearing date for Motion for Summary Disposition to early or middle March 2023? (*see* Exhibit 1, p.6).

III **Conclusion**

For all the reasons set forth above, American CryptoFed respectfully requests Judge Foelak to approve the following schedule extension proposal:

- i) reschedule the prehearing conference date to early or middle January 2023.
- ii) reschedule the hearing date for Summary Disposition to early or middle March 2023.
- iii) reschedule the due date for American CryptoFed, pursuant to Rule 220 (b), to file an Answer to the OIP, from ten (10) days after service of the OIP to twenty (20) days, following the receipt of the service.

Dated: November 23, 2022

Respectfully submitted

DocuSigned by:

Scott Moeller

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By /s/ Scott Moeller

Scott Moeller, President

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Notice of Appearance was filed by eFAP and was served on the following on this 23th day of November 2022, in the manner indicated below:

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By /s/ Scott Moeller

DocuSigned by:

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