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	**RESPONDENT AMERICAN CRYPTOFED DAO**
American CryptoFed DAO LLC,	**LLC'S OPPOSITION TO THE DIVISION OF**
Respondent.	**ENFORCEMENT'S MOTION TO SEAL**

American CryptoFed DAO LLC ("Respondent" or "American CryptoFed") respectfully submits this opposition ("Opposition") to the Division of Enforcement's ("Division") Motion to Seal dated June 30, 2022 ("June 30 2022 Motion"), because the Motion does not meet the requirements of **Rules of Practice, Rule 322. Evidence: Confidential information, protective orders.**

A. Rule 322 (a) Procedure.

Rule 322 (a) states "If the movant seeks a protective order against disclosure to other parties as well as the public, copies of the documents shall not be served on other parties."

However, the Order Directing Examination and Designating Officers Pursuant to Section 8(e) of the Securities Act of 1933 ("Non-Public 8(e) Examination Order") by the Securities and Exchange Commission ("Commission"), the Under Seal Notice and Subpoena attachment, have already been served to American CryptoFed. In a letter dated on June 3, 2022 (Exhibit 1, page 2), the Division of Enforcement ("Division") stated the following on the Non-Public 8(e) Examination Order (Exhibit 2).

Moreover, the Commission, on November 9, 2021, issued an Order Directing Examination and Designating Officers Pursuant to Section 8(e) of the Securities Act of 1933 ("8(e) Examination Order"), which we are serving on you today along with this letter.

On June 28, 2022, the Division sent me, addressed to the CEO of American

CryptoFed, the Subpoena and the cover letter (Exhibit 3, page 1) stating the following:

The enclosed subpoena has been issued pursuant to an Order Directing Examination and Designating Officers Pursuant to Section 8(e) of the Securities Act of 1933 ("Securities Act"), regarding the Form S-1 that American CryptoFed DAO LLC ("American CryptoFed") filed with the United States Securities and Exchange Commission on September 17, 2021. The subpoena requires you to provide us with sworn testimony.

On June 30, 2022, the Division sent American CryptoFed the Under Seal Notice

(Exhibit 4, page 1-2) stating the following:

Nonetheless, out of an abundance of caution, the Division is providing this notice that it issued the attached subpoena earlier this week to Scott Moeller, President of Respondent American CryptoFed DAO LLC ("American CryptoFed"). The subpoena was not issued pursuant to a Formal Order of Investigation, but pursuant to the November 9, 2021 Order of Examination referenced above. A copy of the subpoena is attached to this Notice.

This Notice is being filed under seal because it discusses a Non-Public Commission Order. A Motion to Seal will be filed separately.

B. Rule 322 (b) Basis for issuance.

Rule 322 (b) states "Documents and testimony introduced in a public hearing are

presumed to be public. A motion for a protective order shall be granted only upon a finding

that the harm resulting from disclosure would outweigh the benefits of disclosure."

American CryptoFed is entitled to a public hearing. No documents should be under

seal unless the Division can prove that "the harm resulting from disclosure would outweigh

the benefits of disclosure". As of today, the Division has failed to do so.

C. Rule 322 (c) Requests for additional information supporting confidentiality.

Rule 322 (c) states the following:

A movant under paragraph (a) of this rule may be required to furnish in writing additional information with respect to the grounds for confidentiality. Failure to supply the

information so requested within five days from the date of receipt by the movant of a notice of the information required shall be deemed a waiver of the objection to public disclosure of that portion of the documents to which the additional information relates, unless the Commission or the hearing officer shall otherwise order for good cause shown at or before the expiration of such five-day period.

On June 8, 2022, regarding the Non-Public 8(e) Examination Order, American CryptoFed sent a letter to the Division (Exhibit 5, page 1) to ask for the legal justification for confidentiality, and stated the following:

Is there any provision of law which allows the Division of Enforcement ("Division") to delay the service to American CryptoFed for approximately 174 days?
We were surprised by this order. We were ambushed by the Division's opaque tactic. The delay significantly damages our capacity to construe our defense strategy. If the order was served timely on us, we would have taken a different defense strategy. We believe this order should be nulled as if it were not issued.

As of today, more than 5 days have passed, and the Division has still not answered the question above or supplied the information so requested. Pursuant to Rule 322 (c), the Division should have waived their objection to public disclosure of the Non-Public 8(e) Examination Order.

For the reasons set forth above, individually or collectively, the Commission should deny the Division's Motion to Seal dated June 30, 2022.

Dated: June 30, 2022

Respectfully submitted,

DocuSigned by:

Scott Moeller

A82E97EDD0C44FD...
By /s/ Scott Moeller
Scott Moeller
President, American CryptoFed DAO LLC
1607 Capitol Ave Ste 327
Cheyenne, WY. 82001

<u>CERTIFICATE OF SERVICE</u>

I hereby certify that a true copy of this Motion was filed by eFAP and was served on the

following on this 30th day of June 2022, 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

By /s/ Scott Moeller

DocuSigned by:

Scott Moeller

A82E97EDD0C44FD...

Scott Moeller
President, American CryptoFed DAO LLC
1607 Capitol Ave Ste 327
Cheyenne, WY. 82001