



**U.S. COMMODITY FUTURES TRADING COMMISSION**

Three Lafayette Centre  
1155 21st Street, NW, Washington, DC 20581

ROBERT W. KAPS and DONNA C. KAPS,

Complainants,

v.

MARK JEFFREY DYM, EXECUTIVE  
COMMODITY CORPORATION  
and THOMAS COURTLAND  
KENNEDY,

Respondents.

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CFTC Docket No. 06-R046

**ORDER DISMISSING THE COMPLAINT**

On January 7, 2008, we set this matter for hearing on March 4th in Kansas City, Missouri.<sup>1</sup> We also required the complainants to file a notice of intent to participate by January 17, 2008.<sup>2</sup> They have not filed the required notice and since the complainants have foregone all fact finding procedures,<sup>3</sup> we **DISMISS** the complaint with prejudice.

**IT IS SO ORDERED.**

On this 28th day of January, 2008

Bruce C. Levine  
Administrative Law Judge

<sup>1</sup> Order and Notice of Hearing, dated January 7, 2008, at 1-2.

<sup>2</sup> Id. at 2.

<sup>3</sup> Id. at 1.