

UNITED STATES OF AMERICA  
Before the  
COMMODITY FUTURES TRADING COMMISSION

JOSEPH P. ZEMEN	:	
	:	
v.	:	CFTC Docket No. 01-R86
	:	
ALLAN S. ADER, CONCORDE TRADING	:	ORDER PURSUANT TO
GROUP, INC., ALLAN KANTER, and	:	DELEGATED AUTHORITY
KENNETH L. VOSS	:	
	:	

In July 2002, respondents Allan S. Ader (“Ader”), Allan Kanter (“Kanter”), and Kenneth L. Voss (“Voss”) each timely filed a notice of appeal from Judgment Officer’s decision awarding almost \$30,000 to complainant Joseph P. Zemen (“Zemen”).<sup>1</sup> Shortly thereafter, Ader submitted a letter claiming that the parties were pursuing settlement negotiations. In light of the negotiations, he sought a delay in the deadline for submitting his appeal brief. Ader sought a similar delay for Kanter and Voss. Complainant did not respond to this request.

In September 2002, Zemen informed the Commission that he had reached a settlement with Ader, Kanter, and Voss. He attached two identically worded joint stipulations; one relates to Ader and the other to Kanter. Both stipulations request that the named respondent “be removed from . . . CFTC Docket No. 01-R086.” because he has “satisfied his portion of [an] agreement between Joseph P. Zemen and Concorde Trading by making timely payment under [a] general release signed by [them].”<sup>2</sup> According to Zemen’s letter, a similar stipulation is being

---

<sup>1</sup> The Judgment Officer ordered Ader and Kanter to pay \$29,585 plus interest and ordered Voss to pay \$22,753 plus interest. *Zemen v. Concorde Trading Group, Inc.*, [Current Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 29,058 at 53,625 (JO June 18, 2002) (“I.D.”).

<sup>2</sup> This is apparently a reference to a settlement agreement that Zemen reached with Concorde on the eve of the scheduled telephonic hearing in this proceeding. In his I.D., the Judgment Officer found that Concorde entered into the settlement in bad faith, and subsequently breached it. I.D. at 53,617.

prepared for Voss.

It appears that Zemen intended to submit stipulations of dismissal pursuant to Commission Rule 12.21. His submission is defective, however, for two reasons. First, Rule 12.21 requires that such a stipulation involve all respondents “against whom the complaint was forwarded.” At this stage of the proceeding, this would include Ader, Kanter, and Voss.<sup>3</sup> Second, each respondent must sign the stipulation that applies to him. Complainant’s signature, standing alone, is not sufficient.<sup>4</sup>

Given these problems with complainant’s submissions, further proceedings on respondents’ appeals may be necessary. Accordingly, the deadline for Ader, Kanter, and Voss to submit appeal briefs shall be delayed until November 18, 2002.<sup>5</sup> Failure to submit a brief in a timely manner may result in dismissal of the appeals. *See* Commission Rule 12.401(b). Prior to this deadline, the parties remain free to resolve outstanding disputes and submit the required documentation pursuant to Commission Rules 12.17 or 12.21.

IT IS SO ORDERED.<sup>6</sup>

---

Edson G. Case  
Deputy General Counsel  
Commodity Futures Trading Commission

Dated: October 15, 2002

---

<sup>3</sup> As a practical matter, the respondents who failed to appeal from the I.D. are no longer active parties to the proceeding.

<sup>4</sup> If a settlement as to all three current respondents is not feasible, the parties may pursue separate settlements under Commission Rule 12.17. Under this provision, complainant may accept payment of an amount smaller than that awarded by the Judgment Officer. After the settling respondent pays complainant the agreed amount, he must submit a notice of satisfaction and withdrawal of the complaint signed by himself and complainant Zemen.

<sup>5</sup> Ader may not act as Kanter’s and Voss’s representative in this proceeding. *See* Commission Rule 12.9. Consequently, unless each respondent retains counsel to represent his interests, he must personally sign the brief he submits in support of his appeal.

<sup>6</sup> By the Commission pursuant to delegated authority. 17 C.F.R. § 12.408(a)(1), (5).