

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

VICTORIA TEREKHINA

v.

CAPITAL MARKET SERVICES, LLC

CFTC Docket No. 07-

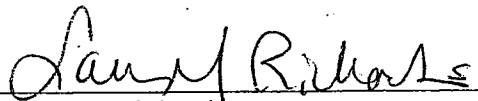
ORDER PURSUANT TO
DELEGATED AUTHORITY

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Capital Market Services, LLC ("Capital Market"), the respondent-appellee in this case, asserts in its answering brief on appeal that complainant Victoria Terekhina (Terekhina") failed to include copies of all the exhibits referenced in her appeal brief when she served the brief on Capital Markets. Staff has reviewed the case record and determined that the exhibits in the question, enumerated on page 5 of the answering brief, first were filed with the Commission's Office of Proceedings as exhibits to Terekhina's prehearing memorandum, mailed on September 22, 2007, while this case was pending before the Administrative Law Judge. The prehearing memorandum was not accompanied by an affidavit of service attesting that it had been served on Capital Markets concurrently with being filed with the Commission. *See* 17 C.F.R. § 12.10(a).

Capital Market's request to strike the exhibits from the record is denied. The Proceedings Clerk shall serve Capital Markets with a complete copy of Terekhina's prehearing memorandum, including all exhibits, together with this order. Capital Markets shall have 20 days from the date this order is issued to file and serve a supplement to its answering brief in response to the exhibits, should Capital Markets elect to do so.

IT IS SO ORDERED.¹



Laura M. Richards
Deputy General Counsel
Commodity Futures Trading Commission

Dated: January 29, 2008

¹ For the Commission pursuant to delegated authority. 17 C.F.R. § 12.408(a)(6).