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Attorneys for Plaintiff
Commodity Futures Trading Commission

FILED
CLERK, U.S. DISTRICT COURT
JUL 19 2006
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

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CLERK, U.S. DISTRICT COURT
JUL 20 2006
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

COMMODITY FUTURES TRADING) Case No. CV -03-0833 DSF (Mcx)
COMMISSION,)
) AMENDED ORDER APPROVING
) PROPOSED DISTRIBUTION PLAN
Plaintiff,)
)
vs.) DATE: July 17, 2006
) TIME: 1:30 p.m.
BEN OUYANG, et al.,) COURT: Courtroom of the Hon. Dale
) S. Fischer
Defendants.)

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

This matter came before the Court on the Motion of Plaintiff Commodity
Futures Trading Commission ("CFTC") for an Order Approving A Proposed
Distribution Plan (the "Motion"). The Court, having considered the Motion, the
memorandum of points and authorities and the Declaration of Linda Santiago and
Exhibits thereto in support of the Motion, finds and orders as follows:

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SCANNED

I.

FINDINGS

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3 1. On June 27, 2005 the Court entered an Order Establishing Restitution
4 Claims Process (the "Claims Process Order"), hereby incorporated by reference,
5 which established a two-step claims process. First, the Court ordered the Plaintiff
6 to use its best efforts to identify customers of Defendants Ben Ouyang ("Ouyang")
7 and Victco Financial Services, Inc. ("Victco") (collectively, "Defendants"), along
8 with Money World Customers, and notify them of their right to submit claims for
9 restitution to be paid out of the Defendants' frozen assets.

10 2. The National Futures Association ("NFA"), as "Monitor" pursuant to
11 Paragraph 19 of the consent Order of Permanent Injunction and Ancillary Relief
12 ("Consent Order"), entered by the Court on March 11, 2005, is presently holding
13 \$1,040,980.62 in funds that were frozen in Defendants' Ouyang and Victco's
14 accounts at Gain Capital, Inc. and FXCM, both futures commission merchants
15 registered with the CFTC.

16 3. The Claims Process Order further directed Plaintiff to analyze claims
17 received for the purpose of creating a proposed distribution plan.

18 4. Pursuant to the Claims Process Order, Plaintiff mailed claims forms
19 to approximately 400 claimants. Plaintiff received 152 claims in response.

20 5. Pursuant to the Claims Process Order, Plaintiff has analyzed those
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1 claims and has determined: (i) 62 of the claimants were Defendants' customers;
2 (ii) Plaintiff has analyzed those claims and has identified allowable claims for the 62
3 Victco customers amounting to \$1,122,804.44.

4 6. Plaintiff now proposes a distribution plan for these 62 customer
5 claimants. Plaintiff's proposed Distribution Plan, Exhibit C to the Motion, sets
6 forth each claimant's recommended allowable claim, each claimant's percentage
7 of total recommended allowable claims, and the proposed amount to be distributed
8 to that claimant from the presently available funds on a *pro rata* basis.

9 Accordingly, IT IS HEREBY ORDERED AS FOLLOWS:

10 II.

11 ORDER

12 7. On or before August 18, 2006, Plaintiff shall mail a letter enclosing a
13 copy of the Motion and all exhibits thereto, including this Order, to all 152
14 claimants who filed claims pursuant to the Claims Process Order.

15 8. The letter to be mailed to the 152 claimants shall prominently
16 reference a September 15, 2006 deadline by which claimants shall submit
17 comments on or objections to the Motion. The letter shall specify that such
18 comments or objections shall be in writing, and mailed to Plaintiff's counsel.

19 9. Plaintiff shall be responsible for filing with the Court all comments
20 and objections received pursuant to this Order. Such filing shall be made no later
21 than September 22, 2006.

1 10. Plaintiff shall, as it deems necessary, file a written response to
2 claimants' comments and objections on or before October 13, 2006. Copies of
3 Plaintiff's response shall be mailed to all 152 claimants.

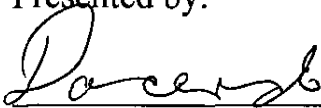
4 11. Thereafter, Plaintiff shall set a hearing date in consultation with the
5 Court and Defendants' counsel, and a hearing shall be held on notice to
6 Defendants and to all claimants, wherein the Court shall rule on the proposed
7 distribution plan and any of the claimants' objections.

8 IT IS SO ORDERED.

9 Dated: July 19, 2006


UNITED STATES DISTRICT JUDGE

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13 Presented by:

14 
15 David Acevedo
16 Attorney for Plaintiff
17 Commodity Futures Trading
18 Commission
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1 PROOF OF SERVICE

2 I certify and declare that I am over the age of 18 years, not a party to the above-
3 entitled action, and employed by U.S. Commodity Futures Trading Commission,
4 Division of Enforcement, 140 Broadway, 19th Floor, New York, NY 10005. On
5 June 23, 2006 I served a true copy of

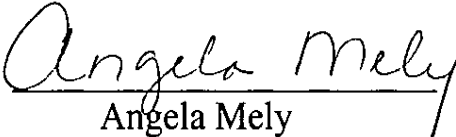
6 AMENDED ORDER APPROVING PROPOSED DISTRIBUTION PLAN

7 by depositing it with the United States Postal Service in a sealed envelope with the
8 postage thereon fully prepaid to:

9 Hank Vanderkam, Esq.
10 Vanderkam & Associates
1301 Travis
Houston, TX 77002

11 I declare under penalty of perjury under the laws of the United States of
12 America that the foregoing is true and correct.

13 Executed on July 18, 2006 at New York, New York.

14
15 
16 Angela Mely

SCANNED

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