

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Civil Action No. _____ -Civ- _____

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

ZURICH FUTURES & OPTIONS, INC. and
MICHELE LABRUCE

Defendants.

09 - 60294

CIV - HUCK

MAGISTRATE JUDGE
O'SULLIVAN

FILED by ASS D.C.
FEB 23 2009
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. - MIAMI

**COMPLAINT FOR INJUNCTIVE AND OTHER EQUITABLE RELIEF,
AND FOR CIVIL MONETARY PENALTIES UNDER
THE COMMODITY EXCHANGE ACT, AS AMENDED, 7 U.S.C. §§ 1 ET SEQ.**

I.

SUMMARY

1. From at least April 2006 through at least March 2007, Defendant Zurich Futures & Options, Inc. ("Zurich"), through an internet website, solicitation materials, and the actions of its officers, employees, and agents, including, but not limited to, Defendant Michele LaBruce ("LaBruce"), fraudulently solicited at least \$1.45 million from at least 60 customers for the purpose of trading on-exchange commodity options.

2. Through written solicitation materials, and other means, Zurich, through LaBruce and others, created a false sense of security and legitimacy among prospective customers by falsely claiming that it was a member of the National Futures Association ("NFA"), a registered futures association for the U.S. commodity futures industry, and that it was registered as an

Introducing Broker (“IB”) with the Plaintiff Commodity Futures Trading Commission (“Commission” or “CFTC”). Zurich, through LaBruce and others, also fraudulently solicited customers by, among other misrepresentations and omissions, creating a false impression that it was a successful and well-established international IB with an experienced investment team and offices in Zurich, Switzerland and Toronto, Canada.

3. Almost all of Zurich’s customers lost their money trading through Zurich. After collecting over \$1.3 million in commissions and fees on this trading, Zurich abruptly shut down its operation with no notification to its customers and no way for customers to locate or get in touch with Zurich or any of its officers, agents or employees.

4. LaBruce directed and controlled the activities of Zurich, including, but not limited to, the preparation and dissemination of solicitation and account opening materials and the administration of the Zurich website, which included the false claims that Zurich was a member of the NFA, registered with the Commission, and/or a successful and established IB with offices in Switzerland and Canada. LaBruce also controlled Zurich’s bank accounts, into which the fees and commissions earned by Zurich were deposited.

5. Zurich’s and LaBruce’s (collectively the “Defendants”) fraudulent solicitations violate Section 4c(b) of the Commodity Exchange Act, as amended (“Act”), 7 U.S.C. § 4c(b) (2006), and Commission Regulations 33.10(a) and (c), 17 C.F.R. §§ 33.10(a) and (c) (2008).

6. Zurich’s solicitation and acceptance of orders for the purchase or sale of commodity option contracts, while failing to register as an IB, violates Section 4d(a) of the Act, 7 U.S.C. § 4d(a) and (b) (2006), and Commission Regulations 33.3(a) and (b), 17 C.F.R. §§ 33.3(a) and (b) (2008).

7. Zurich's false representations that it is a registrant under the Act and a member of the NFA while soliciting or handling orders for commodity options transactions violate Section 4h of the Act, 7 U.S.C. § 6h (2006).

8. LaBruce directly or indirectly controlled Zurich and did not act in good faith or knowingly induced, directly or indirectly, the acts constituting Zurich's violations alleged in this Complaint; therefore, LaBruce is liable for Zurich's violations of the Act and Commission Regulations pursuant to Section 13(b) of the Act, 7 U.S.C. § 13c(b) (2006).

9. LaBruce's association with an IB as a partner, officer, employee, or agent in a capacity that involves the solicitation or acceptance of customers' orders, or the supervision of any person or persons so engaged, while failing to register as an Associated Person ("AP"), violates Section 4k(1) of the Act, 7 U.S.C. § 6k(1) (2006), and Commission Regulation 33.3(b)(iii), 17 C.F.R. 33.3(b)(iii) (2008).

10. Accordingly, pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1, the Commission brings this action to enjoin Defendants' unlawful acts and practices and to compel their compliance with the Act and Commission Regulations. In addition, the Commission seeks restitution to customers for losses proximately caused by Defendants' fraud, disgorgement of Defendants' ill-gotten gains, civil monetary penalties, and such other relief as this Court may deem necessary or appropriate.

11. Unless restrained and enjoined by this Court, Defendants are likely to continue to engage in the acts and practices alleged in this Complaint and similar acts and practices, as more fully described below.

II.

JURISDICTION AND VENUE

12. The Act establishes a comprehensive system for regulating the purchase and sale of commodity futures and options. This Court has jurisdiction over this action pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1 (2006).

13. Section 6c of the Act provides that whenever it shall appear to the Commission that any person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of any provision of the Act or any rule, regulation, or order promulgated thereunder, the Commission may bring an action against such person to enjoin such practice or to enforce compliance with the Act.

14. Venue properly lies with this Court pursuant to Section 6c(e) of the Act, 7 U.S.C. § 13a-1(e) (2006), in that Defendants transacted business in this District, and the acts and practices in violation of the Act have occurred, are occurring, or are about to occur, within this District, among other places.

III.

THE PARTIES

15. Plaintiff **Commodity Futures Trading Commission** is an independent federal regulatory agency that is charged with the administration and enforcement of the Act, 7 U.S.C. §§ 1 et seq., and the regulations promulgated thereunder.

16. Defendant **Zurich Futures & Options, Inc.** was incorporated in Belize on January 17, 2006. Although the company represented on its website and on other documents that it was headquartered in Zurich, Switzerland and had an additional office in Toronto, Canada, it

operated out of the Hollywood, Florida area. Zurich has never been registered with the Commission in any capacity.

17. Defendant **Michele LaBruce** is an individual whose last known place of residence is Hollywood, Florida. LaBruce was previously registered with the Commission as an AP of Concorde Trading Group, Inc. from July 28, 1998 through August 31, 1998. She was also previously approved as a Principal of numerous firms, including Royce Capital Futures and Options, Inc. from June 30, 2003 through March 22, 2005, Bentley Trading Group, Inc. from August 26, 2003 through June 22, 2004, Presidential FX from December 1, 2003 through March 25, 2004, ProTrade Futures and Options from February 1, 2005 through October 27, 2006, and Corporate Commodities, Inc, from June 22, 2005 through October 27, 2006. LaBruce currently is not registered with the Commission in any capacity.

IV.

FACTS

A. **Zurich Fraudulently Solicited Customers to Trade Commodity Options Transactions**

18. From approximately April 2006 through approximately March 2007, Zurich, through an internet website, solicitation materials, and the actions of its officers, employees, and agents, including LaBruce, was in the business of soliciting customers to open commodity trading accounts and trade on-exchange commodity options through a registered Futures Commission Merchant ("FCM") that carried and maintained the individual customers' accounts.

19. By soliciting persons to open commodity trading accounts to trade on-exchange commodity options through a FCM, Zurich was acting as an IB.

20. Defendants blatantly and falsely represented to prospective customers that Zurich was an IB registered with the Commission and a member of the NFA in order to lull them into a false sense of security and legitimacy about Zurich.

21. Zurich, through LaBruce, prepared and sent all customers a packet of account opening documents that they were required to sign and return to Zurich upon opening an account. In that packet, Defendants included a document that represented in bold letters that Zurich was a “National Futures Association Member, Registered with Commodity Futures Trading Commission.”

22. Although required to be registered to solicit persons to trade commodity options, Zurich, in fact, has never been registered with the Commission or a member of the NFA in any capacity.

23. Zurich’s brokers also misrepresented Zurich’s registration status when soliciting customers. For example, one broker told his customer that Zurich “was a licensed company and a very credible company.” Another broker told his customer that “everyone had their licenses.”

24. To further create a sense of security and legitimacy and lull prospective customers to trade through Zurich, Defendants created the false impression that Zurich was an international company and a successful and well-established IB with an experienced investment team. On its website, brochures, brokers’ business cards, and other company documents, Defendants falsely claimed that Zurich was located in Zurich, Switzerland with an additional office in Toronto, Canada. Telephone numbers given to customers, as well as the address to which they were to return documents, were similarly in either Zurich or Toronto.

25. Zurich's brokers also created this false impression of a legitimate, successful, international trading firm during the course of their solicitations of customers. One broker told his customer that Zurich was an international company with offices in Europe. Another broker told a customer upon taking over his account that the customer's previous broker had moved to the company's Switzerland office. Yet another broker claimed that Zurich had been in existence for ten to fifteen years.

26. Contrary to these representations, Defendants, in fact, operated out of Southern Florida for less than a year, were not registered with the Commission or a member of the NFA, and maintained only "virtual offices" or "mail drop" offices in Zurich and Toronto through which they re-routed customer calls to Southern Florida and funneled mailings of solicitation materials and account opening documents.

27. Based on its false representations, Zurich successfully solicited at least \$1.45 million from at least 60 individuals to open commodity accounts and trade commodity options.

28. Almost all of Defendants' customers lost their money trading with Defendants while the Defendants collected over \$1.3 million in commissions and fees.

29. After less than a year in operation, Defendants shut down operations with no notice to customers and no way for customers to get in touch with Zurich or its brokers.

30. Zurich, through LaBruce and others, made material misrepresentations and omissions concerning its registration status, its history, and operations, and knew or was reckless in not knowing that these representations and omissions were false and misleading. Zurich's customers relied on these misrepresentations and omissions in deciding to trade commodity options through Zurich.

B. LaBruce is a Controlling Person of Zurich

31. On January 18, 2006, Zurich appointed LaBruce as its “Attorney-in-Fact” to “undertake the general interests of the company in any country in the world and ... [to] bind the company in its relations with third parties or [her]self.” LaBruce was given broad authority under this appointment, including, among other things, the authority to: (a) carry out acts and transactions on behalf of the company; (b) represent the company before any judicial authority; (c) sign contracts on behalf of the company; (d) open and close bank accounts for the company and make deposits or withdrawals of funds of the company; and (e) acquire real estate on behalf of the company.

32. LaBruce signed the contracts on behalf of Zurich to rent the virtual office spaces in Zurich, Switzerland and Toronto, Canada. LaBruce also directed the activities of the virtual office staff working in those offices on behalf of Zurich, including the preparation and mailing of solicitation materials and account opening documents sent to potential customers from those offices.

33. LaBruce was both the registrant and the administrative contact for Zurich’s internet website.

34. LaBruce opened and controlled bank accounts in Zurich’s name. Commissions and fees earned by Zurich were deposited into these bank accounts and, in at least one instance, LaBruce directed the transfer of funds from a Zurich bank account to herself.

V.

VIOLATIONS OF THE COMMODITY EXCHANGE ACT

COUNT ONE

**VIOLATIONS OF SECTION 4c(b) OF THE ACT AND COMMISSION REGULATIONS
33.10(a) and (c):
SOLICITATION FRAUD, FRAUD BY
FALSE STATEMENTS AND OMISSIONS (Options)**

35. The allegations set forth in paragraphs 1 through 34 are re-alleged and incorporated herein by reference.

36. By and through internet website, solicitation materials, and the actions of Zurich's officers, agents or employees, including LaBruce, Defendants Zurich and LaBruce, in or in connection with offers to enter into, the entry into, the confirmation of the execution of, or the maintenance of, commodity option transactions, has cheated or defrauded or attempted to cheat or defraud customers or prospective customers, and willfully deceived or attempted to deceive customers or prospective customers by, among other things, making false, deceptive, or misleading representations and omissions of material facts in solicitations of individuals to trade commodity options, including but not limited to those statements and omissions identified in paragraphs 1 through 30 above, all in violation of Section 4c(b) of the Act, 7 U.S.C. § 6c(b) (2006), and Commission Regulations 33.10 (a) and (c), 17 C.F.R. §§ 33.10(a) and (c) (2008).

37. Each act of solicitation fraud, including but not limited to those specifically alleged herein, is alleged as a separate and distinct violation of Section 4c(b) of the Act, 7 U.S.C. § 6c(b), and Commission Regulations 33.10(a) and (c), 17 C.F.R. §§ 33.10(a) and (c).

38. The foregoing acts, misrepresentations, omissions, and failures of Zurich's officers, agents, or employees, including LaBruce, occurred within the scope of each person's

employment, agency or office with Zurich. Zurich is therefore liable for these acts pursuant to Section 2(a)(1)(B) of the Act, 7 U.S.C. § 2(a)(1)(B).

39. LaBruce, directly or indirectly, controlled Zurich and did not act in good faith, or knowingly induced, directly or indirectly, the acts constituting Zurich's violations of Section 4c(b) of the Act, 7 U.S.C. § 4c(b) and Commission Regulations 33.10(a) and (c), 17 C.F.R. §§ 33.10(a) and (c). LaBruce is therefore liable for these violations pursuant to Section 13(b) of the Act, 7 U.S.C. § 13c(b) (2006).

COUNT TWO

VIOLATION OF SECTION 4h OF THE ACT: FALSE REPRESENTATIONS AS TO REGISTRATION AND MEMBERSHIP

40. The allegations set forth in paragraphs 1 through 39 are re-alleged and incorporated herein by reference.

41. Defendant Zurich, through the actions of its officers, employees, and agents, including LaBruce, violated Section 4h of the Act, 7 U.S.C. § 6h (2006), by falsely representing itself to be a member of the NFA and a registrant of the Commission during the course of the solicitation and opening of accounts for the purpose of trading commodity options,.

42. LaBruce, directly or indirectly, controlled Zurich and did not act in good faith, or knowingly induced, directly or indirectly, the acts constituting Zurich's violations of Section 4h of the Act, 7 U.S.C. § 6h (2006). LaBruce is therefore liable for these violations pursuant to Section 13(b) of the Act, 7 U.S.C. § 13c(b) (2006).

COUNT THREE

**VIOLATION OF SECTION 4d(a) OF THE ACT AND COMMISSION REGULATION
33.3(b)(ii): FAILURE TO REGISTER AS AN INTRODUCING BROKER**

43. The allegations set forth in paragraphs 1 through 42 are re-alleged and incorporated herein by reference.

44. Defendant Zurich, by engaging in soliciting or in accepting orders for the purchase or sale of a commodity for future delivery on or subject to the rules of any contract market and not accepting any money, securities, or property to margin, guarantee, or secure any trades or contracts that result or may result therefrom, operated as an IB within the meaning of Section 1a(23) of the Act, 7 U.S.C. § 1a(23) (2006). By engaging as an IB in soliciting or accepting such orders and soliciting or accepting orders from option customers for commodity option transactions while failing to register with the Commission as an IB, Zurich violated Section 4d(a) of the Act, 7 U.S.C. § 4d(a) (2006), and Commission Regulation 33.3(b)(ii), 17 C.F.R. 33.3(b)(ii) (2008).

45. LaBruce, directly or indirectly, controlled Zurich and did not act in good faith, or knowingly induced, directly or indirectly, the acts constituting Zurich's violations of Section 4d(a) of the Act, 7 U.S.C. § 4d(a) (2006), and Commission Regulation 33.3(b)(ii), 17 C.F.R. 33.3 (2008). LaBruce is therefore liable for these violations pursuant to Section 13(b) of the Act, 7 U.S.C. § 13c(b) (2006).

COUNT FOUR

**VIOLATION OF SECTION 4k(1) OF THE ACT AND COMMISSION REGULATION
33.3(b)(iii): FAILURE TO REGISTER AS AN ASSOCIATED PERSON**

46. The allegations set forth in paragraphs 1 through 45 are re-alleged and incorporated herein by reference.

47. Defendant LaBruce, by being associated with an IB as a partner, officer, employee, or agent (or a person occupying a similar status or performing similar functions), in a capacity that involves (i) the solicitation or acceptance of customers' orders (other than in a clerical capacity) or (ii) the supervision of any person or persons so engaged, operated as an AP of Zurich within the meaning of Section 4k(1) of the Act, 7 U.S.C. § 6k(1) (2006). By soliciting or accepting orders from option customers for commodity option transactions, or supervising persons so engaged, while failing to register with the Commission as an AP, LaBruce violated Section 4k(1) of the Act, 7 U.S.C. § 6k(1) (2006), and Commission Regulation 33.3(b)(iii), 17 C.F.R. 33.3(b)(iii) (2008).

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court, as authorized by Section 6c of the Act, 7 U.S.C. § 13a-1 (2006), and pursuant to its own equitable powers enter:

- a) a permanent injunction prohibiting Defendants from engaging, directly or indirectly, in conduct violative of Sections 4c(b), 4d(a), 4h, and 4k(1) of the Act, 7 U.S.C. §§ 6c(b), 6d(a), 6h, and 6k(1) (2006), and Commission Regulations 33.3(b)(ii) and (iii) and 33.10(a) and (c), 17 C.F.R. §§ 33.3(b)(ii) and (iii) and 33.10(a) and (c) (2008);
- b) a permanent injunction prohibiting Defendants from engaging, directly or indirectly, in any activity related to trading in any commodity, as that term is defined in Section 1a(4) of the Act, 7 U.S.C. § 1a(4) ("commodity interest"), including but not limited to, the following:
 - i. trading on or subject to the rules of any registered entity, as that term is defined in Section 1a(29) of the Act, 7 U.S.C. § 1a(29);
 - ii. engaging in, controlling or directing the trading for any commodity interest account for or on behalf of any other person or entity, whether by power of attorney or otherwise;
 - iii. soliciting or accepting any funds from any person in connection with the purchase or sale of any commodity interest;

iv. entering into any commodity interest transactions for his own personal account, for any account in which he has a direct or indirect interest and/or having any commodity interests traded on his behalf;

v. engaging in any business activities related to commodity interest trading; and

vi. applying for registration or claiming exemption from registration with the Commission in any capacity, and engaging in any activity requiring such registration or exemption from registration with the Commission, except as provided for in Regulation 4.14(a)(9), 17 C.F.R. § 4.14(a)(9) (2008), or acting as a principal, agent or any other officer or employee of any person registered, exempted from registration or required to be registered with the Commission, except as provided for in Regulation 4.14(a)(9), 17 C.F.R. § 4.14(a)(9) (2008);

c) an order directing the Defendants to disgorge, pursuant to such procedure as the Court may order, all benefits received from the acts or practices that constitute violations of the Act or Commission Regulations, as described herein, and pre- and post-judgment interest thereon from the date of such violations;

d) an order directing the Defendants to make full restitution to every participant whose funds they received as a result of acts and practices that constituted violations of the Act and Commission Regulations, described herein, and pre- and post-judgment interest thereon from the date of such violations;

e) an order directing the Defendants to each pay a civil monetary penalty in the amount of not more than the higher of \$120,000 or triple the monetary gain to Defendant for each violation of the Act or Commission Regulations committed before October, 24, 2004, and the higher \$130,000 or triple the monetary gain to Defendant for each violation of the Act or Commission Regulations committed from October 24, 2004 to the present; and

f) such other and further remedial ancillary relief as the Court may deem appropriate.

Respectfully submitted,



Alan Edelman
Florida Bar #A5500704
James H. Holl, III
Florida Bar #A5501063
1155 21st St. N.W.
Washington, D.C. 20581
Telephone: (202) 418-5000
Facsimile: (202) 418-5538

E-Mail: aedelman@cftc.gov; jholl@cftc.gov
Attorneys for Plaintiff
U.S. Commodity Futures Trading Commission

Dated: February 20, 2009

JS 44 (Rev. 2/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS

U.S. Commodity Futures Trading Commission

CIV - HUCK

DEFENDANTS

Zurich Futures & Options, Inc. and Michele LaBruce

09-00294

FILED by AS Belize City, Belize
FEB 23 2009
STEVEN M. LARIMORE
CLERK U. S. DIST. CT
S. D. OF FLA. - MIAMI

(b) County of Residence of First Listed Plaintiff
 (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Defendant
 (IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)

MAGISTRATE JUDGE
O'SULLIVAN

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED

Alan Edelman
 1155 21st Street, N.W., 7th Floor
 Washington, D.C. 20581

Attorneys (If Known)

09-cv-60294 - Huck / O'Sullivan

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated or Principal Place of Business In This State	<input type="checkbox"/>	<input type="checkbox"/>
Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/>	<input type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input checked="" type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Re-filed (see VI below)
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).

(See instructions second page):

a) Re-filed Case YES NO
 b) Related Cases YES NO
 JUDGE _____ DOCKET NUMBER _____

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):
 7 U.S.C. § 6c(b) Commodity Fraud; 7 U.S.C. § 1a(23) Unregistered Introducing Broker; 7 U.S.C. § 6h False Representations as to Registration; 7 U.S.C. § 6k(1) Unregistered Associated Person
 LENGTH OF TRIAL via 5 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
 DEMAND \$ _____
 CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

DATE

[Signature]

2/20/09

FOR OFFICE USE ONLY

AMOUNT Waived RECEIPT # _____ IFP _____