

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS**

**COMMODITY FUTURES TRADING
COMMISSION,**

Plaintiff,

vs.

Case No. 04-2181-D/An

FXTRADE FINANCIAL, LLC, ET AL.,

Defendants,

JOSEPH J. CECALA, JR.,

Relief Defendant.

ORDER MODIFYING JUDGMENTS

Before the Court is plaintiff Commodity Futures Trading Commission's Motion to Modify Judgments (DE # 365) with respect to the restitution awarded in the Court's September 27, 2007 Memorandum Opinion (DE # 361) against defendant Gordon J. Vandeveld (Vandeveld) and the September 27, 2007 Order for Entry of Default Judgment, Permanent Injunction, Ancillary Relief Against Defendants FxTrade Financial, LLC (FxTrade); Jeffrey A Mischler (Mischler); Mary Jo Sibbitt; Ernst H. Behr; and Reverie LLC (Default Order) (DE # 359). Upon review of the motion and for good cause shown, plaintiff's motion is GRANTED.

IT IS HEREBY ORDERED that:

The total restitution awarded in this case, as set forth in the Default Order, is modified from \$917,700 to \$826,500, which is the net investment loss of all FxTrade investors. This

modification takes into account the \$91,200 that Vandeveld already has paid to FxTrade investor Mr. Ronald Vandeveld.

Further, the restitution award set forth in the Memorandum Opinion is modified from \$576,000 to \$406,000. This modification takes into account \$170,000 that already has been paid by FxTrade and Vandeveld to FxTrade investors whom Vandeveld solicited.

Accordingly, defendants FxTrade, Mischler, and Vandeveld are jointly and severally liable for restitution to all FxTrade investors identified on the attached FxTrade Investor Restitution List, with their liability capped at the modified amounts of restitution listed below:

FxTrade	\$826,500
Mischler	\$826,500
Vandeveld	\$406,000

All other aspects of the Memorandum Opinion and Default Order remain unchanged.

IT IS SO ORDERED this 18th day of October 2007.

s/Bernice B. Donald
BERNICE B. DONALD
U.S. DISTRICT COURT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

COMMODITY FUTURES TRADING
COMMISSION,

AMENDED JUDGMENT

vs.

Case No. 04-2181-D/An

FXTRADE FINANCIAL, LLC, ET AL.,

Defendants,

JOSEPH J. CECALA, JR.,

Relief Defendant.

On September 27, the Court entered a Memorandum Opinion (Docket Entry #361) and an Order For Entry Of Default Judgment, Permanent Injunction, and Ancillary Equitable Relief Against Defendants Fxtrade Financial, Llc; Jeffrey A. Mischler; Mary Jo Sibbitt; Ernst H. Behr; and Reverie Llc (Default Judgment) (Docket Entry #359.)

IT IS SO ORDERED AND ADJUDGED that in accordance with the Order Modifying Judgments entered on October 18, 2007, the Court amends the judgements in the Memorandum Opinion and Default Judgment.

APPROVED:

s/Bernice B. Donald
UNITED STATES DISTRICT COURT

DATE: 10/18/2007

THOMAS M. GOULD
Clerk of Court

s/Terry L. Haley
(By) Deputy Clerk