U.S. COMMODITY FUTURES TRADING COMMISSION
Three Lafayette Centre
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Office of Proceedings

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OFFICE OF PROCEEDINGS
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JOHN E. DIEHL, Complainant v. STANLEY KORSON (a.k.a. "STANLEY KORSONSKY") and U.S. SECURITIES & FUTURES CORP., Respondents	)	CFTC Docket No. 03-R061

ORDER OF DISMISSAL

Respondent Korson and complainant Diehl settled all matters in dispute before the oral hearing in this matter on April 29, and the parties have established that all terms of the settlement have been fulfilled. Accordingly, the complaint as to Korson is DISMISSED WITH PREJUDICE.

U.S. Securities & Futures Corp. had been considered in default in this case due to its failure to file an answer. Prior to the oral hearing, however, it was it was learned that John Dellaportas, Esq., of the Duane and Morris law firm in New York had been appointed by a federal court as a receiver over the assets of U.S. Securities.[1] Mr. Dellaportas has informed the Judgment Officer that the receivership appointment included authority to receive and resolve customer claims. It is therefore determined that the complaint as to U.S. Securities must be considered a "parallel proceeding" as defined in Rule 12.24(a)(2). Rule 12.24(d)(2) provides that the proceeding "shall be ordered dismissed, without prejudice, as to any respondent who becomes the subject of a parallel proceeding described in paragraph (a)(2)" prior to issuance of an initial decision. Therefore, the proceeding as to U.S. Securities & Futures Corp. is DISMISSED but without prejudice to complainant Diehl's rights to petition the receiver for damages arising out of those claims.[2]

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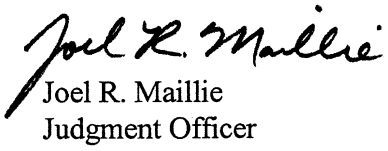
[1] Mr. Dellaportas's assistance in this matter is appreciated. His address is 380 Lexington Avenue, New York City, NY 10168. Telephone: (212) 692-1012. Fax: (212) 692-1020. A copy of all substantive documents in the casefile is being sent to Mr. Dellaportas, along with copies of the service list and docket card.

[2] It should be noted that Mr. Diehl initially filed his claim seeking $8,057.44 in damages. The Director of the Office of Proceedings disallowed all but $2,795.41 of Mr. Diehl's claim as based on alleged securities violations purportedly outside the CFTC's reparations jurisdiction. Since the settlement occurred prior to the hearing, no evidence was taken on the circumstances of Mr. Diehl's losses and thus no determination was made whether the Director's action was appropriate or whether Mr. Diehl might have been able to establish his original damages. Mr.

IT IS SO ORDERED.

May 6, 2004



Joel R. Maillie
Judgment Officer

Korson's settlement of $1,100 eliminated all claims Mr. Diehl has against him, but was expressly understood by the settling parties as not reducing ***any*** liabilities – in reparations ***or*** otherwise – of U.S. Securities.