UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

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DANIEL E. KUTZ, Complainant, v. LAGUNA CAPITAL MANAGEMENT, LLC., MARK STEPHEN WOLFKIEL, and MICHAEL NELSON GALLAGHER, Respondents.	*	CFTC Docket No. 05-R046

DEFAULT ORDER

Laguna Capital Management, LLC, Mark Stephen Wolfkiel, and Michael Nelson Gallagher have failed to file verified answers and are in default. Respondents' defaults constitute admissions of the allegations in the complaint. Accordingly, it is concluded that Laguna Capital Management, LLC and Michael Nelson Gallagher disregarded complainant's instructions and made unauthorized trades in violation of Sections 4b(a), 4c(b), and 4d(a) of the Commodity Exchange Act and CFTC rule 33.10; that Mark Stephen Wolfkiel failed to adequately supervise Gallagher in violation of CFTC rule 166.3; that Laguna Capital Management is liable for Gallagher's and Wolfkiel's violations pursuant to Section 2(a)(1)(B) of the Act; and that these violations, separately and together, proximately caused $5,710 in damages. Accordingly, Laguna Capital Management, LLC, Mark Stephen Wolfkiel, and Michael Nelson Gallagher are ORDERED to pay to Daniel E. Kutz reparations of $5,710, plus interest on that amount at 4.43 % compounded annually from April 2, 2004, to the date of payment, plus $125 in costs for the filing fee.

If any respondent seeks to vacate this Default Order, the respondent must file: one, a motion to vacate the default that meets <u>all</u> of the appropriate standards set out in CFTC rule 12.23; and two, an answer to the complaint, that meets <u>all</u> of the requirements set out in CFTC rule 12.18.

Dated January 30, 2006.

Philip V. McGuire,
Judgment Officer