

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

In the Matter of:
Steven D. Robinson,
Complainant,
vs.

Champaign Landmark, Inc.,
and Iowa Grain Co.,
Respondents.

02-R072

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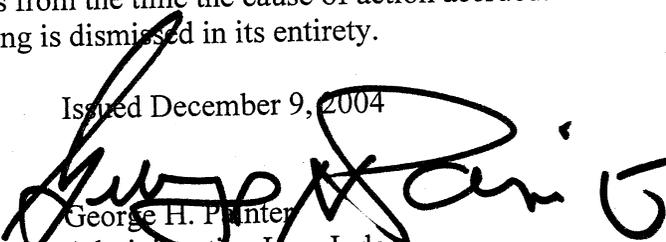
ORDER OF DISMISSAL

This reparations claim was filed with the Commission more than five years after Complainant became aware of the losses on the account at issue. The complaint was filed August 2002, and the Commission's staff served the complaint on Respondents in late March 2003. Respondents filed an answer to the complaint in May 2003, alleging, *inter alia*, that the complaint was barred by the statute of limitations. Respondents' requested that the decision to forward the complaint for adjudication be reconsidered. That request was denied. On June 5, 2003 the case was assigned to this court's docket.

On June 12, 2003 this court issued an order, noting that the claim was filed five years after the events at issue occurred. The order further pointed out that there was legal uncertainty as to whether the transactions at issue were futures contracts or forward contracts and that the Commission had been reviewing, for nearly five years, two Initial Decisions dealing with that problem. The parties were ordered to show cause why this court should not certify to the Commission the question of whether the lengthy review of the Initial Decisions equitably tolled the statute of limitations in the instant case. The parties filed nothing in response to the Order to Show Cause. On July 1, 2003 the question was certified for review. Seventeen months later the Commission denied interlocutory review on grounds that the ". . . novel statute of limitations issue presented does not appear to be supported by any legal authority; . . ."

Respondents have moved for dismissal of this proceeding on grounds that the complaint was not filed within two years from the time the cause of action accrued. The motion is GRANTED, and this proceeding is dismissed in its entirety.

Issued December 9, 2004


George H. Painter
Administrative Law Judge