## UNITED STATES OF AMERICA Before the COMMODITY FUTURES TRADING COMMISSION

OFFICE PERMISSEER

ERNEST L. WADE

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MARCUS CHEVALIER, JOSEPH GEORGE DURDACK, and KJW, LLC d/b/a KEN WOLF COMMODITIES CFTC Docket No. 06-R039

ORDER PURSUANT TO DELEGATED AUTHORITY

On March 15, 2007, the Commission took *sua sponte* review of two orders issued in this case. The Commission took review of the Administrative Law Judge's ("ALJ") January 23, 2007 order "to determine whether dismissal of respondent Joseph Durdack and the preclusion of respondent Marcus Chevalier's evidence was warranted." It took review of the February 13, 2007 order to determine whether the ALJ acted properly in dismissing the complaint "with prejudice to Wade's right to seek redress in any forum."

The stay imposed in the Commission's March 15 order is lifted and the following briefing schedule is established. Any party to this proceeding may file and serve a brief addressing the issues under review within 30 days of the date of this order. If no briefs are received, the Commission will proceed based on the record below. Briefs shall be filed and

served in the form prescribed by Commission Regulation 12.401(d). As provided therein, a party may file an informal document in lieu of a brief.<sup>1</sup>

IT IS SO ORDERED.<sup>2</sup>

aura M. Richards

Deputy General Counsel

Commodity Futures Trading Commission

Dated: April 2, 2007

<sup>&</sup>lt;sup>1</sup> The Proceedings Clerk is directed to furnish the parties with a copy of Regulation 12.401(d), and the regulations referenced therein.

<sup>&</sup>lt;sup>2</sup> By the Commission pursuant to delegated authority, 17 C.F.R. § 12.408(a)(6). Within seven days after service of this order, a party may file with the Commission a petition for reconsideration of this ruling. *Id.* at § 12.408(c).