

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

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3:33 pm, Mar 05, 2013

ATS CAPITAL MANAGEMENT CORP.

v.

JOHN WILLIAM SENDLOSKY and
TRADESTATION SECURITIES, INC.

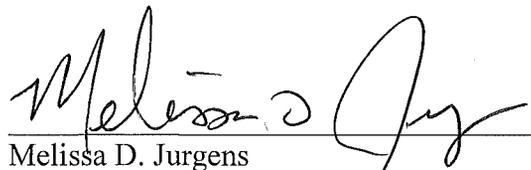
CFTC Docket No. 10-R015

ORDER OF SUMMARY
AFFIRMANCE

Upon review of the record and the parties' appellate submissions, we have determined that the findings and conclusions of the Administrative Law Judge are supported by the weight of the evidence; we therefore adopt them. We also find that none of the arguments on appeal present important questions of law or policy that merit extended discussion. Accordingly, we summarily affirm the decision of the Administrative Law Judge without opinion.¹

IT IS SO ORDERED.²

By the Commission (Chairman GENSLER and Commissioners SOMMERS, CHILTON,
O'MALIA and WETJEN.)



Melissa D. Jurgens
Secretary of the Commission
Commodity Futures Trading Commission

Dated: March 5, 2013

¹ Pursuant to Commission Regulation 12.406(b), 17 C.F.R. § 12.406(b), neither the initial decision nor the Commission's order of summary affirmance shall serve as a Commission precedent in other proceedings.

² Under Sections 6(c) and 14(e) of the Commodity Exchange Act, 7 U.S.C. §§ 9 and 18(e)(2012), a party may appeal a reparation order of the Commission to the United States Court of Appeals for only the circuit in which a hearing was held; if no hearing was held, the appeal may be filed in any circuit in which the appellee is located. The Commission has ruled that telephonic hearings are "held" in Washington, D.C., although parties may speak from several different locations. *Dubois v. Alaron*, [2000-2002 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 28,406 at 51,026 n.16 (CFTC Oct. 26, 2000). The statute also states that such an appeal must be filed within 15 days after notice of the order and that any appeal is not effective unless, within 30 days of the date of the Commission order, the appealing party files with the court a bond equal to double the amount of any reparation award.