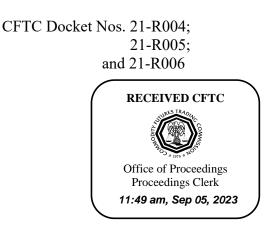
UNITED STATES OF AMERICA Before the U.S. COMMODITY FUTURES TRADING COMMISSION

Vincent A. Onorato Ph.D. Pension Plan Inc., et al., Complainants-Appellants,

v.

Claudia Marie Dubuque, et al.,

Respondents-Appellees.



On March 26, 2021, Appellants Vincent A. Onorato PhD Pension Plan Inc., Ambyr Mahealani Fiona Alfait, and Alfait Living Trust, Vincent Onorato, Trustee, separately filed reparations complaints against several respondents.¹ On July 12, 2023, the Administrative Judge issued an Initial Decision and Order dismissing the complaints.

ORDER

On August 28, 2023, Vincent Onorato Alfait, a pro se litigant purporting to represent all Appellants, filed a 181-page appeal brief with the Commission. On August 30, 2023, some of the respondents moved to strike the appeal brief and dismiss the appeal because the brief did not comply with the requirements for appeal briefs in Commission Rule 12.401(d), 17 C.F.R. § 12.401(d).²

¹ The respondents named in the complaints are Claudia Marie Dubuque, Gregory Blake Taunt, Navid Khalili, Robert Thurner Dubuque, Institutional Advisory Services Group, Inc., d/b/a IASG, Jonathan Peter Ho, JonPaul Jonkheer, Shili Zhan alias Bill Zhan, and Tianyou Asset Management LLC.

² The respondents who moved to strike the brief were IASG, Claudia Marie Dubuque, Gregory Blake Taunt, JonPaul Jonkheer, and Robert Thurner Dubuque.

Rule 12.401(d) provides that an appeal brief may not exceed 35 pages without leave of the Commission. The Appellants did not seek leave before filing their oversized brief. Rule 12.401(d) also incorporates the briefing requirements in Commission Rule 10.102(d), which requires briefs to include a statement of the issues for review, a statement of the case including a description of the nature of the case and a statement of the relevant facts, an argument, and a conclusion stating the precise relief sought. 17 C.F.R. § 10.102(d).³ The Appellants' brief does not include a statement of the issues or a statement of the case.

On August 31, 2023, Appellants filed a response to the motion to strike. In the response, Mr. Alfait explained that his brief was oversized because he wanted to integrate parts of the record into the brief for ease of reference. Mr. Alfait admitted that the brief did not comply with the briefing requirements and offered to resubmit a conforming brief if permitted.

Accordingly, I **STRIKE** Appellants' brief for failing to conform with the requirements for appeal briefs in reparations proceedings under Rule 12.401(d). Appellants may file a brief that complies with the Commission's briefing requirements within 30 days of this order or this appeal will be dismissed.

Further, Mr. Alfait, as a non-attorney, may only represent (1) himself, (2) any corporation, trust, or association to which he is a bona fide officer, and (3) any partnership to which he is a general partner before the Commission. 17 C.F.R. § 12.9(a). Accordingly, Mr. Alfait shall ensure that he files an appeal brief only on behalf of parties that the Commission Rules permit him to represent.

IT IS SO ORDERED.⁴

³ A party may file an informal brief that does not conform with the briefing requirements with leave of the Commission. 17 C.F.R. § 12.401(d).

⁴ By the Commission pursuant to delegated authority under 17 C.F.R. § 12.408(a)(5).

|s| Robert A. Schwartz

Robert A. Schwartz General Counsel U.S. Commodity Futures Trading Commission

Dated: September 5, 2023