

On November 7 and 8, 2023, Mr. Alfait filed two briefs responding to each of the Appellee briefs.⁴ On November 13, 2023, a group of Appellees⁵ filed a Motion to Strike Complainants' Reply Brief, arguing that the Commission Rules do not permit appellants to file responses to appellee briefs in reparations appeals.

Commission Rule 12.401 provides that an appealing party in a reparations proceeding shall file an appeal brief with the Commission within 30 days of filing a notice of appeal and that any party served with the appeal brief may file an answering brief within 30 days of service of the brief. 17 C.F.R. § 12.401(b)-(c). Rule 12.401 does not authorize additional briefing by any party. Therefore, the Commission Rules did not permit Mr. Alfait to submit the two briefs responding to the Appellees' briefs. *See Chaney v. Greco*, CFTC No. 05-R050, 2008 WL 420043 (Feb. 12, 2008) (holding that a reply brief is "a pleading not authorized by Commission regulations").

Accordingly, I **STRIKE** Mr. Alfait's briefs responding to the two Appellee briefs.

IT IS SO ORDERED.⁶

/s/ Robert A. Schwartz

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

Dated: November 27, 2023

⁴ On November 7, 2023, Mr. Alfait filed a brief titled "Response to Attorney Bolotin's 11/6/23 Brief," which referred to the IASG Appellees' brief. On November 8, 2023, Mr. Alfait filed a brief titled "Response to Attorney Mahoney's 11/6/23 Brief," which referred to the Tianyou Appellees' brief.

⁵ The IASG Appellees submitted the motion.

⁶ By the Commission pursuant to delegated authority under 17 C.F.R. § 12.408(a)(5).