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

ORDE	Proceedings Clerk 8:43 am, Nov 27, 2023
	Office of Proceedings
Respondents-Appellees.	
	RECEIVED CFTC
Claudia Marie Dubuque, et al.,	
	and 21-R006
v.	21-R005;
1	CFTC Docket Nos. 21-R004;
Complainants-Appellants,)
et al.,	
Vincent A. Onorato Ph.D. Pension Plan Inc.,	,)
)

On March 26, 2021, 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. On July 12, 2023, the Administrative Judge issued an Initial Decision and Order dismissing the complaints. The complainants filed a Notice of Appeal to the Commission on July 27, 2023.

On October 5, 2023, Vincent Onorato Alfait filed an appeal brief with the Commission on behalf of Alfait Living Trust and Vincent A. Onorato PhD Pension Plan Inc.² Two groups of Appellees each filed an appeal brief with the Commission on November 6, 2023.³

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 On August 28, 2023, Mr. Alfait filed a 181-page appeal brief with the Commission that did not comply with the briefing requirements under Commission Rule 12.401(d), 17 C.F.R. § 12.401(d). On September 5, 2023, I issued an order striking the appeal brief and providing Mr. Alfait with 30 days to file a compliant brief.

³ The first Appellee group to file an appeal brief included IASG, Claudia Marie Dubuque, Gregory Blake Taunt, JonPaul Jonkheer, and Robert Thurner Dubuque (collectively, "the IASG Appellees"). The second group included Tianyou Asset Management, LLC, Bill Zhan, Navid Khalili, and Jonathan Peter Ho (collectively, "the Tianyou Appellees").

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).