

**STATUS REPORT AND MOTION FOR LEAVE TO EXCUSE
SETTLING PARTIES FROM COURT-ORDERED MEDIATION**

The CFTC submits the following Status Report and Motion for Leave to Excuse Settling Parties from the Court-Ordered Mediation set for June 22, 2023.

In support of this Status Report and Motion for Leave, the CFTC states:

1. On May 19, 2023, the Court entered its Amended Order Appointing Mediator (“Mediation Order”), ordering the parties to this matter to attend an in-person mediation with Gregory P. Holder on June 22, 2023. Dkt. 736.

2. Before and since the Mediation Order, counsel for CFTC have discussed potential settlement avenues—specifically consent orders to ultimately be entered by this Court—with a number of defendants in this matter.

3. Any consent orders negotiated with defendants must ultimately be approved by the CFTC’s Commissioners before being presented to the Court for consideration.

4. Since the Court issued its Mediation Order, on June 9, 2023, Defendant Frank Duran signed a consent order with the CFTC, which, once counsel for CFTC have received required approval from the Commissioners, CFTC counsel will file with this Court for approval.

5. Also, since the Court issued its Mediation Order, on June 13, 2023, Defendant Raymond Montie III signed a consent order with the CFTC. Counsel for CFTC will similarly file this consent order with the Court for approval once it has received approval from the Commissioners to do so.

6. The clerk of this Court entered a default against Defendant Joseph Anile on July 16, 2019 (Dkt. 183). Nevertheless, Defendant Anile has agreed in principle to settle the CFTC's charges against him and the CFTC believes it will have a signed consent order before the mediation scheduled on June 22. Again, counsel for CFTC will file this consent order with the Court for approval once it has received approval from its Commissioners to do so.

7. The Court's Mediation Order provides that neither party may cancel the Mediation without first obtaining leave of Court, even if the parties have reached a settlement. Dkt. 736, p. 2.

8. There are remaining defendants in this matter, and therefore the CFTC is not requesting that the mediation be cancelled. The CFTC is seeking clarification, however, after consultation with the settling defendants (Defendants Duran and Montie), whether their attendance at the mediation may be excused because they have signed settlement agreements that the CFTC will present to the Court once counsel obtains required internal approval.

9. The CFTC also seeks clarification as to Defendant Anile's attendance at the mediation on June 22 should he also sign a consent order with the CFTC before the mediation, for later presentment to the Court.

10. The CFTC believes that excusing these settling defendants would allow the remaining parties and the mediator to focus efforts on potential settlement opportunities with those who have not settled, thus conserving resources of the mediator and the non-settling parties.

WHEREFORE, the CFTC therefore moves the Court for leave to modify its Mediation Order to excuse Defendants Duran and Montie (and Defendant Anile should he sign a consent order with the CFTC before the mediation) from the Mediation Order, specifically from the need to appear in person at the June 22, 2023 mediation with Gregory P. Holder.

LOCAL RULE 3.01(g) CERTIFICATION

Undersigned counsel for the CFTC has conferred with the defendants, who do not object to the present Status Report and Motion for Leave, except for Defendant John Haas, who objects to the relief requested because it would cause him to bear more burden for the pro rata cost of the mediation, as the mediator's fee would be divided by less parties.

Dated: June 20, 2023

Respectfully submitted,

**COMMODITY FUTURES TRADING
COMMISSION**

By: /s/ Jeffery C. Le Riche

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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2023, I electronically filed a true and correct copy of the foregoing with the Clerk of the Court via the CM/ECF system, which served all parties of record who are equipped to receive service of documents via the CM/ECF system.

I hereby certify that on June 20, 2023, I provided service of the foregoing via electronic mail to the following unrepresented parties:

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PRO SE DEFENDANT

/s/ Jeffery C. Le Riche
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