

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States Securities
and Exchange Commission,

Plaintiff,

v.

ORDER

Civil No. 09-3333 (MJD/JJK)

Trevor Cook, d/b/a Crown
Forex, LLC and Patrick J. Kiley,
d/b/a Crown Forex, LLC et al.,

Defendants.

U.S. Commodity Futures
Trading Commission,

Plaintiff,

v.

Civil No. 09-3332 (MJD/JJK)

Trevor Cook, d/b/a Crown
Forex, LLC and Patrick J. Kiley,
d/b/a Crown Forex, LLC et al.,

Defendants.

On February 25, 2011, Magistrate Judge Franklin Noel issued a Report and Recommendation [CFTC Doc. No. 643; SEC Doc. No. 696] concerning Respondents' Amended Motions to Dismiss Summary Proceedings [CFTC Doc. No. 411; SEC Doc. No. 454] and Investor Respondent Anderson's Motion to Dismiss Petition and Summary Proceedings [CFTC Doc. No. 482; SEC Doc. No. 528]. Respondents object to the Report and Recommendation.

Based on the nature of the Summary Proceedings commenced against individual investors in the CFTC and SEC actions, the file, records and proceedings herein, the Court will sever the claims arising under said Summary Proceedings pursuant to Fed. R. Civ. P. 21.

IT IS HEREBY ORDERED that the Clerk of Court is to sever any and all claims arising under the Summary Proceedings referenced in CFTC Doc. No. 354 and SEC Doc. No. 384, assign them to a new case number and randomly assign this new case to another Judge using the electronic reassignment system. The caption shall read as follows:

R.J. Zayad, in his Capacity as Court-Appointed Receiver for Trevor G. Cook et al.,

Petitioner,

v.

David Buysse, Steven and Pamela Cheney, Walter Defiel, John Dzik, Terry Frahm, Steven and Jenene Fredell, William Harris, Michael Heise, Michael and Cynthia Hillesheim, Larry Hopfenspirger, Steven Kautzman, James McIntosh, George and Karen Morrisset, Reynold Sundstrom, and Dot Anderson,

Respondents.

The filing fee is waived under 28 U.S.C. § 1914. This reassignment shall be documented on the record for all parties to reference. Attached as Exhibit A is the list of docket numbers to be transferred into the new case.

All new proceedings, hearings and filings in conjunction with the above referenced Summary Proceedings shall be submitted and filed with the Judge reassigned concerning these matters. The parties shall also refile their objections to the Report and Recommendation of Magistrate Judge Noel [CFTC Doc. No. 643; SEC Doc. No. 696] in the new civil case.

The remainder of Civil Nos. 09-3332 and 09-3333 shall remain before Chief Judge Michael J. Davis.

Date: April 19, 2011

s/ Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court

Exhibit A

SEC, 09-cv-3333

CFTC, 09-cv-3332

384	354
385	355
421	384
443	385
448	402
450	406
454	409
455	410
456	411
505	412
517	413
527	460
528	461
529	465
567	466
568	474
569	476
570	481
574	482
575	483
583	484
586	522
588	523
589	524
591	525
597	531
598	540
599	541
600	539
602	544
603	546
604	557
610	558

620	559
621	560
622	561
623	564
624	565
625	566
640	572
674	581
675	582
676	583
677	584
682	586
683	593
684	594
690	625
696	626
697	627
698	628
699	629
700	630
701	631
702	637
703	643
704	644
718	645
719	646
720	650
734-43	652
749-58	653
	654
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	670
	671
	688-98
	704-12

