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UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

1998 OCT 21 A 8:14

OFFICE OF PROCEEDINGS

PETER STIMSON BROOKS,
Complainant,

vs.

96-R100

CARR INVESTMENTS, INC.
RODMAN & RENSHAW, INC.,
EDWARD CARR, JR. and
JONATHAN WILLIAM LUBOW
Respondents.

ORDER OF DISMISSAL

On September 16, 1998 Peter Stimson Brooks moved to withdraw his complaint on grounds, *inter alia*, that the money lost was the money of Sharon Dawson and not his own. There is a wealth of evidence in the record to support this contention.

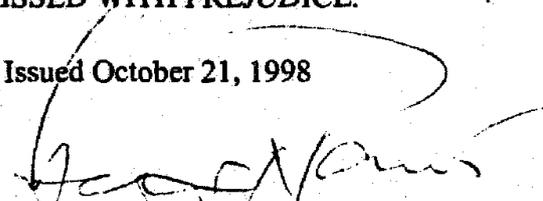
Respondents did not file a counterclaim in this action, but oppose Brooks' withdrawal motion on grounds that they have incurred legal expenses in connection with this matter.

Section 14 of the Commodity Exchange Act provides that a reparations claim may be filed only for actual damages incurred by reason of a violation of the Act. In the case at bar, it is evident that Brooks suffered no monetary damages. Thus, this proceeding must be dismissed.

Respondents contend that dismissal is inappropriate, ostensibly on the theory that they should be permitted to recover costs and attorney fees from Brooks. Whether or not attorney fees are awarded in reparation cases depends upon the facts. I find that the conduct of respondents in the instant case precludes any award of attorney fees against the complainant.

Pursuant to regulation 12.310 this Court concludes that there are no issues of material fact to be determined. Accordingly, this matter is **DISMISSED WITH PREJUDICE**.

Issued October 21, 1998


George H. Painter
Administrative Law Judge