

UNITED STATES OF AMERICA
before the
COMMODITY FUTURES TRADING COMMISSION

In the Matter of:

JOHN D. HAGAN,
Complainant

vs.

PAULINO RENE DIAS, JR. and
VICTOR JAMES SMITH,
Respondents.

CFTC Docket No. 03-R077

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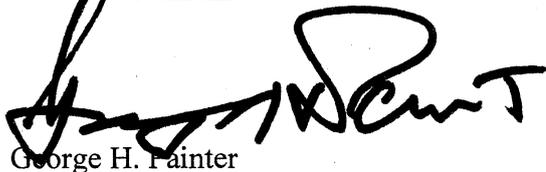
ORDER OF DISMISSAL

This reparations complaint was filed with the Commission on August 28, 2003. Complainant named Paulino Dias, Jr., as the sole Respondent. On December 10, 2003, complainant amended the complaint to include Victor James Smith as a Respondent. Respondent Dias was properly served with the amended complaint. Actual service was never made on Respondent Smith. However, Respondent Smith was constructively served at the last address he provided the National Futures Association. Neither Smith nor Dias has ever filed an Answer to the complaint.

Complainant and Respondent Dias have moved for dismissal of this proceeding with prejudice only as to Complainant's right to re-file a reparations claim on the same facts alleged in this complaint.

Accordingly, this matter is DISMISSED in its entirety without prejudice as to alternative forums available for adjudication of Complainant's claims in this matter.

Issued July 20th 2004


George H. Painter
Administrative Law Judge