

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

**JITANSHU TRIVEDI and
VANLATA TRIVEDI,
Complainants,**

v.

**VISION L.P.,
CHESAPEAKE INVESTMENT SERVICES, INC.,
YU-DEE CHANG,
MARK KLINOV,
STUART ESTLER, and
MICHAEL SMART,**

Respondents.

CFTC Docket No. 00-125

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**AMENDED ORDER OF DISMISSAL ON SETTLEMENT
AND INITIAL DECISION ON DEFAULT**

Complainants Jitanshu Trivedi and Vanlata Trivedi ("Complainants") filed this complaint with the Commission against Respondents Vision L.P., Chesapeake Investment Services, Inc., Yu-dee Chang, Mark Klinov, Stuart Estler, and Michael Smart on September 22, 2000. Respondents Vision L.P., Chesapeake Investment Services, Inc., Chang and Estler filed their answer on or about November 20, 2000. Respondent Smart filed his answer on or about December 1, 2000. Respondent Klinov failed to file an answer to the complaint.

The Commission was informed on October 24, 2000, via a letter from a Mr. Marc Rosenberg, that Respondent Klinov was no longer living at the address to which a copy of the complaint was sent. Additionally, Mr. Rosenberg informed the Commission that it was his understanding that Respondent Klinov had been in Russia for several months and no forwarding address was available. The Commission undertook to identify a more recent address for Respondent Klinov with the National Futures Association on November 30, 2000 to no avail. To date, Respondent Klinov has failed to file any responsive pleading in this matter.

Counsel for Respondents Vision L.P., Chesapeake Investment Services, Inc., Chang and Estler informed the court on May 1, 2001 that

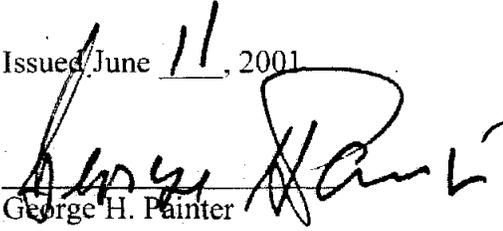
all parties except Respondent Klinov had settled the matter with Complainants. In response, the court issued an Order to Show Cause on May 2, 2001 as to why Respondent Mark Klinov should not be held in default and to why the proceeding should not be dismissed on the grounds that the settlement covered all losses sustained by Complainants. Complainants filed a response on May 21, 2001 indicating that the Respondents, excluding Respondent Klinov, had paid Complainants \$160,000.00 of the \$240,000.00 sustained as losses via the settlement agreement. In light of the partial payments of losses sustained by the Complainants, the court issued an order on May 23, 2001 indicating that as Respondent Klinov had failed to respond to any aspect of this action, he was in default.

Based on the filings made by the parties, the court finds that this matter is DISMISSED as to Respondents Vision L.P., Chesapeake Investment Services, Inc., Chang, Estler and Smart as they have settled with the Complainants. Additionally, having been found in default, the court finds Respondent Klinov liable for all losses sustained in this matter, less the amount paid in settlement by Respondents Vision L.P., Chesapeake Investment Services, Inc., Chang and Estler. Under the CFTC rules, Respondent Klinov, by failing to file an answer, has waived its right to contest the allegations in the complaint and evidence presented by Complainants or to file affirmative defenses. The allegations in the complaint are deemed true under Rule 12.22. As a result, Respondent Klinov is ORDERED to pay reparations to Complainants in the amount of \$80,000.00, plus interest compounded annually at a rate of 3.70% from October 1, 1999 to the date of payment, plus costs of \$250.00.

Any request to vacate this default must contain all of the elements of Rule 12.23. No *ex parte* motions will be considered.

So ordered.

Issued June 11, 2001


George H. Painter
Administrative Law Judge

David E. Vignola
Attorney-Advisor