

UNITED STATES OF AMERICA  
Before the  
COMMODITY FUTURES TRADING COMMISSION

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2:39 pm, Jul 31, 2015

ROSEMARY GIACOMAZZA, and  
SALVATORE GIACOMAZZA,  
Complainants

v.

GLOBAL ASSET MANAGEMENT ALLIANCE, LLC,  
and JOSEPH TSALIK,  
Respondents

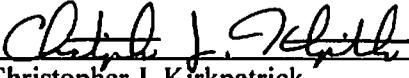
CFTC Docket No. 12-R30

ORDER OF DISMISSAL

Upon review of the record and the parties' appellate submissions, we have determined that the Giacomazzas' claims are barred by the two-year statute of limitations, and that the Giacomazzas have not demonstrated that equitable tolling was warranted.<sup>1</sup> None of the Giacomazzas' arguments on appeal raise any important questions of law or policy, and we therefore affirm the initial decision without opinion.<sup>2</sup>

IT IS SO ORDERED.<sup>3</sup>

By the Commission (Chairman MASSAD and Commissioners WETJEN, BOWEN, and GIANCARLO.)

  
\_\_\_\_\_  
Christopher J. Kirkpatrick  
Secretary of the Commission  
Commodity Futures Trading Commission

Dated: July 31, 2015

<sup>1</sup> See *McGough v. Bradford, et al.*, [1998-99 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶28,265 at 50,601-50,603 (CFTC Sept. 28, 2000) (the statute of limitations begins to run when the complainant could have discovered the illegal activity through the exercise of reasonable diligence).

<sup>2</sup> Pursuant to Commission Regulation 12.406(b), 17 C.F.R. § 12.406(b) (2014), neither the initial decision nor the Commission's order of summary affirmance shall serve as a Commission precedent in other proceedings.

<sup>3</sup> Under the Commodity Exchange Act, a party may appeal a reparation order of the Commission to the United States Court of Appeals for only the circuit in which a hearing was held; if no hearing was held, the appeal may be filed in any circuit in which the appellee is located. 7 U.S.C. §§ 9(11)(B), 18(e) (2012). Such an appeal must be filed within 15 days after notice of the order and that any appeal is not effective unless, within 30 days of the date of the Commission order, the appealing party files with the court a bond equal to double the amount of any reparation award. *Id.*