

Commodity Futures Trading Commission
CEA CASES

NAME: GENERAL FOODS CORPORATION, CHARLES W. METCALF, DANIEL F. RICE AND COMPANY,
DANIEL F. RICE, LAWRENCE J. RYAN, AND PHILIP R. O'BRIEN

CITATION: 6 Agric. Dec. 756

DOCKET NUMBER: 34

DATE: AUGUST 13, 1947

DOCUMENT TYPE: SUPPLEMENTAL ORDER

(A. D. 1574)

In re GENERAL FOODS CORPORATION ET AL. CEA Doc. No. 34. Decided August 13, 1947.

Motion for Stay of Suspension Orders Granted

Orders of April 28, 1947, and July 11, 1947, are stayed and suspended as to respondent Lawrence J. Ryan, subject to conditions stated in Ryan's motion quoted herein.

Messrs. Bowden & Taylor, of Chicago, Illinois, for respondents. *Mr. Benj. M. Holstein* for Commodity Exchange Administration.

Decision by Thomas J. Flavin, Judicial Officer.

SUPPLEMENTAL ORDER

On August 11, 1947, respondent Lawrence J. Ryan in this disciplinary proceeding under the Commodity Exchange Act (7 U. S. C. Chapter 1) presented a motion to stay and suspend the decisions and orders entered in this proceeding on April 28, 1947 6 Agric. Dec. 288 (6 A. D. 288), and July 11, 1947, 6 Agric. Dec. 652 (6 A. D. 652), insofar as they relate to respondent Ryan. The

motion points out that the sanctions imposed upon respondent Ryan are less than those imposed upon the other respondents because of a lesser degree of participation in the violations of the act found, that the other respondents have sought judicial review and have secured stay orders from the United States Circuit Court of Appeals for the Seventh Circuit pending outcome of judicial review, and that a court review by Ryan would be expensive, burdensome, and oppressive to him. Accordingly, under the circumstances, Ryan's motion proposes that, since the same issues would be raised by him in judicial review as the other respondents are raising, the effective dates of the sanctions ordered as to him be stayed pending the outcome of the judicial review sought by respondents Daniel F. Rice and Daniel F. Rice and Company.

Respondent Ryan asks that an order be entered substantially as follows:

"(a) Staying and suspending the Orders dated April 28, 1947, and July 11, 1947, of Thomas J. Flavin, Judicial Officer, insofar as they relate to the Respondent, Lawrence J. Ryan, until the Circuit Court of Appeals for the Seventh Circuit passes upon and determines the Petition for Review filed by Daniel F. Rice & Co., a partnership, and Daniel F. Rice, respectively, conditioned as follows:

"1. In the event the Circuit Court of Appeals for the Seventh Circuit reverses and sets aside the Orders entered on April 28, 1947, and July 11, 1947, insofar as they affect Daniel F. Rice & Co., a partnership, and Daniel F. Rice,

that said Orders shall stand reversed and be set aside as to the Respondent, Lawrence J. Ryan, in this proceeding when the mandate of said Court becomes effective as fully as if he had perfected a review of said Orders in accordance with the provisions of Section 6 (b) of the Commodity Exchange Act;

"2. If the Circuit Court of Appeals for the Seventh Circuit affirms said Orders, then and when the mandate of said Court becomes effective as to Daniel F. Rice & Co., a partnership, and Daniel F. Rice the sanctions imposed upon the Respondent, Lawrence J. Ryan, by said Order of July 11, 1947, shall become effective as to said Respondent;

"3. That the Respondent, Lawrence J. Ryan, waives his right to seek a review of or file an appeal from the Decision and Order dated April 28, 1947, of Thomas J. Flavin, Judicial Officer, as modified by the provisions of the further Order dated July 11, 1947 insofar as said Orders relate to Respondent, Lawrence J. Ryan."

Complainant states that it has no objection to the entry of the requested order if the wording of the paragraph numbered (a) 2 above be changed slightly to provide that if the Circuit Court of Appeals affirms the appealed orders, the sanctions as to respondent Ryan shall become effective when the mandate of the Court becomes effective as

to respondent Daniel F. Rice or respondent Daniel F. Rice and Company. Complainant's statement says that respondent Ryan's counsel concurs in this change. Accordingly, the orders dated April 28, 1947, and July 11, 1947, are stayed and suspended as to respondent Ryan, subject to the conditions recited in Ryan's motion quoted above as modified in paragraph numbered (a) 2 by the substitution of "or" for "and" immediately after the word "partnership."

Copies hereof shall be served upon the parties and upon all contract markets.

LOAD-DATE: March 12, 2008

