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CHERYL SHAKESPEARE and MICHAEL PAUL SHAKESPEARE, Complainants v. ROBERT IAN GORRIE, RB&H FINANCIAL SERVICES, L.P., CHRISTOPHER JOHN TALAMANTES, and TRADELINE BROKERAGE SERVICES, L.L.C., Respondents	)	CFTC Docket No. 00-R073

ORDER OF DEFAULT AS TO RESPONDENT TALAMANTES and ORDER DISMISSING COMPLAINT AS TO REMAINING RESPONDENTS

Respondent Talamantes never claimed the certified mailing of the complaint directed to his NFA-registered address in Whittier, California. Similarly, the Notice of Summary Proceeding was returned marked "Unclaimed" by the USPS. Checks of the NFA registration system reveal no other address for Talamantes, and efforts to locate a telephone number for him in the city of Whittier have been fruitless. It is determined that constructive delivery of the complaint has been properly accomplished, and that all efforts to obtain actual delivery have been unsuccessful due to Talamantes' failure to pick up his mail or, if his address has changed, to provide an updated address.

Talamantes is in default for failing to respond to the complaint and is therefore subject to a default proceeding under CFTC Rule 12.22. Pursuant to that Rule, Talamantes is deemed to have waived the opportunity to contest the complaint, to choose a type of proceeding, or to submit evidence on his own behalf. The allegations of the complaint are deemed true and establish that Talamantes committed numerous violations of Commodity Exchange Act Section 4b in his opening and handling of complainants' futures account.[1] Those violations caused complainants to

[1] The unrebutted and credible narrative attached to the complaint establishes that, among other things, Talamantes minimized the risk of trading, misrepresented his trading experience and expertise, induced heightened trading activity by falsely promising to rebate commissions and trading losses, and made market predictions without a reasonable basis.

open their futures account and to keep it open despite early losses, and proximately caused their damages in the amount sought in the complaint, $13,500.00.

Complainant and respondent RB&H have settled their dispute. Talamantes is an unwitting beneficiary of the settlement as his liability in the following Reparation Award has been reduced by the amount of the settlement. As part of the settlement, complainants also agreed to dismissal of the complaint against RB&H's guaranteed introducing broker, Tradeline, and its associated person, Gorrie, although those respondents were not parties to the settlement.

Violations having been found, respondent Christopher John Talamantes is ORDERED to pay reparations to complainants in the amount of $7,000.00, plus prejudgment interest compounded annually at the rate of 2.35% from September 15, 1998 to the date of payment, plus costs in the amount of complainants' filing fee of $125.00.

The complaint against respondent RB&H is DISMISSED pursuant to the mutual release signed by complainants and that firm. That release also provides for dismissal of the complaint against respondents Gorrie and Tradeline, and therefore the complaint against those respondents is hereby DISMISSED as well.

Dated: November 30, 2001

Joel R. Maillie

JOEL R. MAILLIE
Judgment Officer