

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

U.S. Commodity Futures Trading Commission, Plaintiff, v. Daniel Shak, Defendant.
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Case No:

**COMPLAINT FOR INJUNCTIVE AND OTHER EQUITABLE RELIEF
AND PENALTIES**

Plaintiff United States Commodity Futures Trading Commission (“Commission” or “CFTC”), by its attorneys, alleges as follows:

I. SUMMARY

1. After voluntarily consenting to an Administrative Order (“CFTC Order”) issued by the CFTC in November 2013 prohibiting him from engaging in certain commodity futures trading, six months later Daniel Shak (“Shak” or “Defendant”) violated the CFTC Order by trading two outright¹ June 2014 gold futures contracts during the closing period on May 22, 2014 (“the Trade”) - the exact type of commodity futures trading that he agreed to be banned from trading.

2. By virtue of this conduct and the conduct further described herein, Shak engaged in conduct in violation of the Commodity Exchange Act (“CEA” or “Act”), 7 U.S.C. § 9 (2012).

3. Unless restrained and enjoined by this Court, Shak is likely to continue to engage in the acts and practices alleged in this Complaint, or in similar acts and practices.

¹ The term outright, as used herein, refers to futures contracts.

4. Accordingly, the CFTC brings this action pursuant to 7 U.S.C. § 13a-1 (2012), to enjoin the Defendant's unlawful practices and to compel his compliance with the Act and the regulations promulgated thereunder, as well as the prior CFTC Order. In addition, the CFTC seeks civil monetary penalties, a permanent trading ban, and such other equitable relief as this Court may deem appropriate.

II. JURISDICTION AND VENUE

5. The Commission has jurisdiction over the conduct and transactions at issue in this case pursuant to 7 U.S.C. § 13a-1(a) (2012). 7 U.S.C. § 13a-1(a) (2012), authorizes the Commission to seek injunctive relief in district court against any person whenever it shall appear to the Commission that such person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of the Act or any rule, regulation, or order thereunder.

6. Venue properly lies with this Court pursuant to 7 U.S.C. § 13a-1(e) (2012) because the transactions, acts, practices, and courses of business alleged to have violated the Act occurred, are occurring, and/or are about to occur within this District, the Commission is located in this District, and the CFTC Order was issued from this District.

III. PARTIES

7. Plaintiff **United States Commodity Futures Trading Commission** is an independent federal regulatory agency charged by Congress with administering and enforcing the Act and the Commission Regulations promulgated thereunder, 17 C.F.R. §§ 1 *et seq.*

8. Defendant **Daniel Shak** is an individual residing in Las Vegas, Nevada. Shak is registered with the Commission as a floor broker. Shak is a member of New York Mercantile Exchange, a designated contract market.

IV. FACTS

A. Prior CFTC Order

9. On November 25, 2013, the Commission issued the CFTC Order instituting administrative proceedings pursuant to Sections 6(c), 6(d), and 8a of the Act, 7 U.S.C. §§ 9, 13b, and 12a(1) (2012), against Shak and SHK Management LLC, a registered commodity pool operator managed by Shak, and simultaneously accepted Shak's Offer of Settlement.

10. As recited in the CFTC Order, in which the CFTC made findings of fact and conclusions of law and imposed remedial sanctions, Shak and SHK Management, his commodity pool, attempted to manipulate the price of Light Sweet Crude Oil ("WTI") futures contracts traded on the New York Mercantile Exchange ("NYMEX") on two trading days in 2008. In addition, the CFTC Order found that Shak and his pool violated the intraday spot month speculative position limits for WTI futures contracts on those two trading days.

11. The basis of the violations charged by the Commission in the CFTC Order was that on each of the trading days, Shak and his pool established substantial net short positions in WTI futures contracts through what are known as Trading At Settlement ("TAS") contracts that are priced at the daily settlement price. Next, Shak and his pool intentionally traded a significant volume of long futures contracts before and during the two minute window referred to as the closing or settlement period of trading on the contract ("the Close"), in an effort to improperly influence and affect the price of the WTI futures contracts, including the settlement prices of the contracts. This strategy of trading heavily on one side of the market during the Close is commonly known in the commodity futures industry as "banging the close" or "marking the close" and is a strategy by which traders attempt to or actually manipulate a futures market.

12. Shak, represented by counsel, neither admitted nor denied the allegations and conclusions contained in the CFTC Order, yet Shak consented to the CFTC Order that required,

among other things, the payment of a civil monetary penalty of \$400,000 and to refrain from certain trading activity. Specifically, the CFTC Order prohibited Shak:

For a period of two years, trading outright, directly or indirectly, on or subject to the rules of a registered entity, as registered entity is defined in Section 1a of the Act, as amended by the CRA and the Dodd-Frank Act, to be codified at 7 U.S.C. § 1a, from the beginning of the closing period for trading until the end of the closing period for any commodity futures, options on commodity futures, commodity options, security futures products, swaps, and/or foreign currency, or any other product or financial instrument regulated presently or in the future by the Commission.

B. Conduct in Violation of the CFTC Order

13. Open Outcry trading in the Gold Futures pit occurs Monday through Friday from 9:20 a.m. to 1:30 p.m., eastern time (7:20 a.m. to 12:30 p.m. central time). Trading in the close, as designated by the New York Mercantile Exchange, occurs during the last minute before the end of trading in the pit. As such, trades executed between 1:29:00 to 1:30:00 p.m. eastern time (12:29:00 to 12:30:00 p.m. central time) are considered executed during the closing period.

14. On Thursday, May 22, 2014, six months after issuance of the CFTC Order, Shak bought two outright, June 2014 gold futures contracts at 1:29:14 seconds eastern time (12:29:14 seconds central time), 46 seconds before the close of the market. Thus, Shak's trades occurred during the closing period.

15. Shak failed to report his violation of the CFTC Order to either the CFTC or to his futures commission merchant ("FCM"). Shak, and/or an individual acting on behalf of Shak only admitted the Trade after being confronted by the FCM.

16. In fact, the FCM, rather than Shak, promptly reported the Trade to the CFTC which constitutes the violation of the CFTC Order.

V. VIOLATIONS OF THE COMMODITY EXCHANGE ACT

Violation of the CFTC Order

17. The allegations contained in paragraphs 1 through 16 are re-alleged and incorporated by reference.

18. Section VI, paragraph 3 of the CFTC Order prohibited Shak for a period of two years, beginning on November 25, 2013, from trading outright from the beginning of the closing period until the end of the closing period for any commodity futures, options on commodity futures, commodity options, security futures products, swaps, and/or foreign currency, or any other product or financial instrument regulated presently or in the future by the Commission.

19. On Thursday, May 22, 2014, six months after issuance of the CFTC Order, Shak violated Section VI, paragraph 3 of the CFTC Order when he bought two outright, June 2014 gold futures contracts during the closing period.

20. The Trade violated the CFTC Order.

21. In violating the CFTC Order, Shak violated 7 U.S.C. § 9 (2012) in that Shak has engaged, is engaging, or is about to engage in an act or practice constituting a violation of an order issued under the Act and Regulations.

22. Each violation of the CFTC Order by Shak constitutes a separate and distinct violation of the Act, 7 U.S.C. § 9 (2012).

VI. RELIEF REQUESTED

WHEREFORE, the Commission respectfully requests that this Court, as authorized by 7 U.S.C. § 13a-1, and pursuant to its own equitable powers:

A. Find Shak liable for violating 7 U.S.C. § 9 (2012);

B. Enter an order of permanent injunction prohibiting Shak, and any other person or entity associated with him from, directly or indirectly, engaging in conduct in violation of 7 U.S.C. § 9 (2012);

C. Enter an order of permanent injunction enjoining Shak and all persons insofar as they are acting in the capacity of his agent, servant, employee, successor, assign, and attorney, and all persons insofar as they are acting in active concert or participation with Shak who receive actual notice of such order by personal service or otherwise, from directly or indirectly:

1. trading on or subject to the rules of any registered entity (as that term is defined in 7 U.S.C. § 1a (2012));
2. entering into any transactions involving commodity futures, options on commodity futures, commodity options (as that term is defined in 17 C.F.R. § 1.3(hh) (2014)), security futures products, foreign currency (as described in 7 U.S.C. § 2(c)(2)(B) and 2(c)(2)(C)(i) (2012) (“forex contracts”), and/or swaps (as that term is defined in 7 U.S.C. § 1a(47) (2012), and as further defined by 17 C.F.R. § 1.3 (2014)) for their own personal account or for any account in which they have a direct or indirect interest;
3. having any commodity futures, options on commodity futures, commodity options, security futures products, forex contracts, and/or swaps traded on their behalf;
4. controlling or directing the trading for or on behalf of any other person or entity, whether by power of attorney or otherwise, in any account involving commodity futures, options on commodity futures, commodity options, security futures products, forex contracts, and/or swaps;
5. soliciting, receiving, or accepting any funds from any person for the purpose of purchasing or selling any commodity futures, options on commodity futures, commodity options, security futures products, forex contracts, and/or swaps;
6. applying for registration or claiming exemption from registration with the Commission in any capacity, and engaging in any activity requiring such registration or exemption from registration with the Commission, except as provided for in 17 C.F.R. § 4.14(a)(9) (2014); and

7. acting as a principal (as that term is defined in 17 C.F.R. § 3.1(a) (2014)), agent, or any other officer or employee of any person (as that term is defined in 7 U.S.C. § 1a (2012)) registered, exempted from registration, or required to be registered with the Commission, except as provided for in 17 C.F.R. § 4.14(a)(9) (2014);

D. Enter an order requiring Shak to disgorge, pursuant to such procedure as the Court may order, all benefits received, including, but not limited to, salaries, commissions, loans, fees, revenues, and trading profits derived, directly or indirectly, from acts or practices that constitute violations of the Act as described herein, including pre-judgment and post-judgment interest;

E. Enter an order directing Shak to pay civil monetary penalties in the amount of not more than the greater of (1) triple the monetary gain to Shak for each violation of the Act, or (2) \$140,000 for each violation of the Act;

F. Enter an order requiring Shak to pay costs and fees as permitted by 28 U.S.C. §§ 1920 and 2412(a)(2) (2012); and

G. Enter an order providing such other and further relief as this Court may deem necessary and appropriate under the circumstances.

Date: September 30, 2014

Respectfully Submitted,

/s/ Jennifer S. Diamond
Jennifer S. Diamond (Illinois Bar No. 6278482)
Senior Trial Attorney
U.S. Commodity Futures Trading Commission
1155 21st Street, NW
Washington, DC 20581
Tel: (202) 418-5244 (Diamond)
Fax: (202) 418-5937
jdiamond@cftc.gov

James H. Holl, III (D.C. Bar No. 453473)
Chief Trial Attorney
Tel: (202) 418-5311
jholl@cftc.gov

CIVIL COVER SHEET

JS-44 (Rev. 7/13 DC)

<p>I. (a) PLAINTIFFS U.S. COMMODITY FUTURES TRADING COMMISSION</p>	<p>DEFENDANTS DANIEL SHAK</p>
<p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)</p>	<p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>Nevada</u> (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONFEDEMAN IN CARA USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p>
<p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) James H. Hoil III, Esq. and Jennifer S. Diamond, Esq. U.S. Commodity Futures Trading Commission 1155 21st Street, NW, Washington, D.C. 20581 202-418-5000</p>	<p>ATTORNEYS (IF KNOWN) William L. Carr Drinker Biddle & Reath LLP One Logan Square, Suite 2000 Philadelphia, PA 19103</p>

<p>II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)</p> <p><input checked="" type="radio"/> 1 U.S. Government Plaintiff <input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY</p> <table style="width:100%; border: none;"> <tr> <td style="border: none;"></td> <td style="border: none; text-align: center;">PTF</td> <td style="border: none; text-align: center;">DFT</td> <td style="border: none;"></td> <td style="border: none; text-align: center;">PTF</td> <td style="border: none; text-align: center;">DFT</td> </tr> <tr> <td style="border: none;">Citizen of this State</td> <td style="border: none; text-align: center;"><input type="radio"/> 1</td> <td style="border: none; text-align: center;"><input type="radio"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in This State</td> <td style="border: none; text-align: center;"><input type="radio"/> 4</td> <td style="border: none; text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"><input type="radio"/> 2</td> <td style="border: none; text-align: center;"><input type="radio"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="radio"/> 5</td> <td style="border: none; text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"><input type="radio"/> 3</td> <td style="border: none; text-align: center;"><input type="radio"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="radio"/> 6</td> <td style="border: none; text-align: center;"><input type="radio"/> 6</td> </tr> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="radio"/> A. Annuity</p> <p><input type="checkbox"/> 410 Annuity</p>	<p><input type="radio"/> B. Personal Injury/Malpractice</p> <p><input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> C. Administrative Agency Review</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u> <input type="checkbox"/> 861 TILA (1395m) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(a))</p> <p><u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is involved)</p>	<p><input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction</p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Annuity, then A governs)*</p>
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<p><input checked="" type="radio"/> E. General Civil (Other)</p> <p><u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability</p>	<p style="text-align: center;">OR</p> <p><input type="radio"/> F. Pro Se General Civil</p> <p><u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</p> <p><u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark</p> <p><u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p>
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<p><u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization</p>	<p><input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input checked="" type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (If not administrative agency review or Privacy Act)</p>
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<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) <i>*(If pro se, select this deck)*</i>	<input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) <i>*(If pro se, select this deck)*</i>	<input type="radio"/> J. S <input type="checkbox"/> 152 R St te
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Fupl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. i Cour <input type="checkbox"/> 441 C (ii)

V. ORIGIN

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT)

Defendant violated the CFTC Order in violation of Section 6(c), 7 U.S.C. § 9 (2012)

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/> If yes, please complete

DATE: <u>9/30/2014</u>	SIGNATURE OF ATTORNEY OF RECORD: <u>[Signature]</u>
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required by the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil case listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence. Use 11001 to indicate District of Columbia, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES. This section is completed only if diversity of citizenship was selected as the basis for jurisdiction under Section 14.

AO 440 (Rev. 12/09; DC 03/10) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

U.S. COMMODITY FUTURES TRADING
COMMISSION

Plaintiff

v.

DANIEL SHAK

Defendant

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Mr. Daniel Shak
c/o William L. Carr
Drinker Biddle & Reath LLP
One Logan Square, Suite 2000
Philadelphia, PA 19103
(215)988-2857

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: James H. Holl III, Chief Trial Attorney, Jennifer S. Diamond, Senior Trial Attorney
U.S. Commodity Futures Trading Commission
Three Lafayette Centre, 1155 21st Street, NW Washington, D.C. 20581
Phone: (202) 418-5000; Fax: 202-418-5937

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify):* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: