UNITED STATES OF AMERICA

Before the

COMMODITY FUTURES TRADING COMMISSION

FEDRIC KELLEY

V

REFCO LLC d/b/a/ REFCO PRIVATE CLIENT GROUP DIVISION of REFCO LLC

The Commission's Office of Proceedings received Fedric Kelley's ("Kelley) initial reparations complaint against the Refco Private Client Group Division of Refco LLC ("Refco") on October 3, 2005, and served Kelley's amended complaint on Refco on November 1, 2005. On November 29, 2005, Refco, through counsel, filed notice that it had filed for voluntary bankruptcy on November 25, 2005, and suggested that Kelley's claim was stayed automatically under 11 U.S.C. § 362 of the federal bankruptcy laws. Refco also requested an extension of time to answer. Refco's substitute counsel and the bankruptcy trustee also filed suggestions of an automatic stay on December 12, 2005 and January 6, 2006 respectively. The Director of the Office of Proceedings dismissed the complaint on January 26, 2006, pursuant to Commission Regulation 12.24(d) (providing for mandatory dismissal of reparations complaints without prejudice as to any respondent who becomes the subject of a bankruptcy or receivership proceeding before the initial decision is issued). Kelley filed a timely claim against Refco in bankruptcy court.

On September 19, 2007, the Commission received a copy of correspondence from the bankruptcy trustee to Kelley, advising that the bankruptcy court had "modified the automatic stay with respect to certain litigation," including Kelley's reparations claim, "for the purpose of allowing the liquidation of claims in the forums in which the litigation was pending." Refco

Trustee's Letter dated September 13, 2007 at 1. The trustee advised Kelley that his bankruptcy claim would be expunged unless Kelley acted on his reparations claim within sixty days of the date of the letter.

In light of the foregoing developments, the January 26, 2006 order of dismissal is vacated and Kelley's claim is reinstated on the Commission's reparations docket as of the date of this order. Respondent shall file and serve its answer to Kelley's complaint within 30 days of the date of this order.

IT IS SO ORDERED.¹

Laura M. Richards

Deputy General Counsel

Commodity Futures Trading Commission

Dated: September 25, 2007

¹ By the Commission pursuant to delegated authority. 17 C.F.R. § 12.408(a)(1), (6).