

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

JUSTIN FENSTERMAN

v.

STEVEN H. JOSEFF and
UNIVERSAL COMMODITY CORP.

CFTC Docket No. 09-R033

ORDER PURSUANT TO
DELEGATED AUTHORITY

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Proceedings
CFTC

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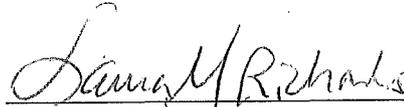
On February 25, 2010, respondent Steven H. Joseff ("Joseff"), through counsel, filed a Motion to Stay this proceeding, which is pending before the Commission's Judgment Officer, and on the following day filed a substantially similar Emergency Motion to Stay. Joseff contends that the Judgment Officer interfered in settlement negotiations with complainant Justin Fensterman ("Fensterman") and engaged in other inappropriate conduct. He asserts that the Judgment Officer has demonstrated bias against him. Among other requests for relief, he seeks recusal or disqualification of the Judgment Officer and reassignment of the case to another presiding officer.

The motions appear to be directed both to the Judgment Officer and the Commission. Motions for disqualification in a summary proceeding should be addressed in the first instance by the Judgment Officer, pursuant to Commission Regulations 12.202 and 12.309, 17 C.F.R. §§ 12.202, 12.309. The motions are not properly before the Commission, and the Commission declines to reach the issues raised therein prior to a ruling on the motions by the Judgment Officer, including the request for a stay.

In addition to the motions, Joseff sent emails and other documents (including one styled an "ethics complaint") to others within and without the Commission, including Commissioners. All such documents shall be placed in the record of this proceeding and served on all parties.

After the Judgment Officer has addressed Joseff's requests for relief, Joseff may renew his requests to the Commission, if he desires.

IT IS SO ORDERED.¹



Laura M. Richards
Deputy General Counsel
Commodity Futures Trading Commission

Date: March 2, 2010

¹ For the Commission pursuant to delegated authority, 17 C.F.R. § 12.408 (a)(5).