

Rule 12.401(d) provides that an appeal brief may not exceed 35 pages without leave of the Commission. The Appellants did not seek leave before filing their oversized brief. Rule 12.401(d) also incorporates the briefing requirements in Commission Rule 10.102(d), which requires briefs to include a statement of the issues for review, a statement of the case including a description of the nature of the case and a statement of the relevant facts, an argument, and a conclusion stating the precise relief sought. 17 C.F.R. § 10.102(d).³ The Appellants' brief does not include a statement of the issues or a statement of the case.

On August 31, 2023, Appellants filed a response to the motion to strike. In the response, Mr. Alfait explained that his brief was oversized because he wanted to integrate parts of the record into the brief for ease of reference. Mr. Alfait admitted that the brief did not comply with the briefing requirements and offered to resubmit a conforming brief if permitted.

Accordingly, I **STRIKE** Appellants' brief for failing to conform with the requirements for appeal briefs in reparations proceedings under Rule 12.401(d). Appellants may file a brief that complies with the Commission's briefing requirements within 30 days of this order or this appeal will be dismissed.

Further, Mr. Alfait, as a non-attorney, may only represent (1) himself, (2) any corporation, trust, or association to which he is a bona fide officer, and (3) any partnership to which he is a general partner before the Commission. 17 C.F.R. § 12.9(a). Accordingly, Mr. Alfait shall ensure that he files an appeal brief only on behalf of parties that the Commission Rules permit him to represent.

IT IS SO ORDERED.⁴

³ A party may file an informal brief that does not conform with the briefing requirements with leave of the Commission. 17 C.F.R. § 12.401(d).

⁴ By the Commission pursuant to delegated authority under 17 C.F.R. § 12.408(a)(5).

/s/ Robert A. Schwartz

Robert A. Schwartz
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U.S. Commodity Futures Trading Commission

Dated: September 5, 2023