

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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)	
UNITED STATES COMMODITY)	CIVIL ACTION NO: 12-cv-04043
FUTURES TRADING COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	
)	
Bradley Scott Schiller,)	
)	
Defendant.)	
)	

**COMPLAINT FOR INJUNCTIVE AND OTHER EQUITABLE RELIEF AND
PENALTIES UNDER THE COMMODITY EXCHANGE ACT, AS AMENDED,
7 U.S.C. §§ 1-25**

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

I. SUMMARY

1. From at least January 2008 to at least February 2012 (the “relevant time”), Bradley Scott Schiller (“Schiller” or “Defendant”) has operated a Ponzi scheme in which he fraudulently solicited at least \$7.8 million from at least six persons to trade commodity futures contracts for or on their behalf. During the solicitation of investors and throughout the course of the investment, Schiller lied about his success as a trader, using altered account statements to bolster his claims. His actual trading accounts, however, did not profit, and, when his investors demanded the return of their funds, Schiller put them off until he could solicit funds from new

investors. Schiller then used much of the funds he obtained from the new investors to pay back his old investors.

2. Throughout the relevant time, Schiller lived a life of luxury, purchasing expensive automobiles and a pricy, high-rise condominium, all of which he attributed to the fruits of his trading. In reality, since at least January 2008, Schiller's commodity futures trading resulted in net losses of approximately \$1.6 million, while he supported a lavish lifestyle with investors' funds, not the proceeds of his trading.

3. Of the at least \$7.8 million Schiller received since January 2008, Schiller deposited only approximately \$3.7 million into commodity futures trading accounts at three separate registered futures commission merchants ("FCMs"). Of the \$3.7 million deposited into trading accounts, Schiller lost approximately \$1.6 million in trading in these accounts and withdrew over \$2.1 million, leaving near zero balances in the accounts. Schiller used the \$4.1 million not deposited into trading accounts and the \$2.1 million he withdrew from the trading accounts for his personal benefit, using at least \$3.25 million to re-pay two of the early investors and the rest to pay Schiller's personal expenses. Schiller owes four of his investors at least \$4.35 million.

4. As his scheme evolved, Schiller created and distributed false account statements in order to persuade prospective and current investors to transfer funds to Schiller. Schiller used his own computer to alter trading account statements from registered FCMs to create the appearance that 1) Schiller maintained multiple trading accounts at the FCM; 2) Schiller maintained at least one account for the benefit of a particular investor; and 3) the total equity balance in trading accounts ranged from \$500,000 to over \$8 million.

5. As a result of the conduct described above and the conduct further described herein, Schiller has engaged, is engaging or is about to engage in conduct in violation of the Commodity Exchange Act (“Act”), 7 U.S.C. §§ 1 *et seq.* (2006 and Supp. 2009), as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, Pub. L. No. 111-203, Title VII (the Wall Street Transparency and Accountability Act of 2010) (“Dodd-Frank Act”), §§ 701-774 (enacted July 16, 2010), to be codified at 7 U.S.C. §§ 1 *et seq.*, and Commission Regulations, 17 C.F.R. §§ 1 *et seq.*, (2011). In particular, Schiller has violated the anti-fraud provisions of the Act, Sections 4b(a)(2)(i)-(iii), 7 U.S.C. § 6b(a)(2)(i)-(iii) (2006), with respect to acts committed before June 18, 2008 and Sections 4b(a)(1)(A)-(C) of the Act, as amended, to be codified at 7 U.S.C. §§ 6b(a)(1)(A)-(C) with respect to acts committed on or after June 18, 2008, Section 4o(1) of the Act, 7 U.S.C. §§ 6o(1) (2006), Section 6(c)(1) of the Act, as amended, to be codified at 7 U.S.C. § 9, and Regulation 180.1(a), 17 C.F.R. § 180.1(a) (2011) with respect to acts committed on or after August 15, 2011.

6. Accordingly, pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1 (2006), the Commission brings this action to enjoin Schiller’s unlawful acts and practices and to compel his compliance with the Act. In addition, the Commission seeks civil monetary penalties and remedial ancillary relief, including, but not limited to, trading and registration bans, restitution, disgorgement, pre- and post-judgment interest, and such other relief as the Court may deem necessary and appropriate.

7. Unless restrained and enjoined by this Court, Schiller is likely to continue to engage in the acts and practices alleged in this Complaint and similar acts and practices, as more fully described below.

II. JURISDICTION AND VENUE

8. The Commission has jurisdiction over the conduct and transactions at issue in this case pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1(a) (2006). Section 6c(a) of the Act, 7 U.S.C. § 13a-1(a), 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.

9. Venue properly lies with this Court pursuant to Section 6c(e) of the Act, 7 U.S.C. § 13a-1(e) because (i) Schiller resides in this District, (ii) 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, and (iii) victims of these violations are found in, inhabit, and/or reside in this District.

III. PARTIES

10. Plaintiff **U.S. Commodity Futures Trading Commission** is an independent federal regulatory agency that is charged by Congress with the administration and enforcement of the Act, (2006 and Supp. 2009), as amended by the Dodd-Frank Act, to be codified at 7 U.S.C. §§ 1 *et seq.*, and the Regulations promulgated thereunder, 17 C.F.R. §§1.1 *et seq.* (2011).

11. Defendant **Bradley Scott Schiller** is thirty-six years old and resides in Chicago, Illinois. Schiller was registered with the Commission as a floor broker from February 1996 to December 2003.

IV. FACTS

A. **Schiller's Solicitation**

12. From at least as early as January 2008, Schiller solicited and accepted at least \$7.8 million from at least six investors to trade managed commodity futures accounts for or on their behalf and either share the profits or provide a fixed rate of return.

13. On information and belief, Schiller signed promissory notes with at least three investors whereby Schiller promised to pay the investors a fixed rate of return of 13% per annum, one promissory note whereby Schiller promised to pay the investors a fixed rate of return of 20% per annum, and one promissory note where one investor was promised a fixed rate of return of 13% per annum for a term of two years.

14. On at least four occasions, Schiller or the investor created a limited liability company ("LLC") in connection with the investor agreement. Then, Schiller told investors that he opened trading accounts in the name of the LLC and deposited the investor's funds in that account. In fact, Schiller opened only one of the trading accounts as represented.

15. In July 2009, Schiller opened a trading account in the name of an LLC pursuant to an agreement with an investor. On August 7, 2009, Schiller deposited \$500,000 into that account. The account experienced net trading losses of more than \$43,000 during the next two weeks. On August 20, 2009, Schiller withdrew \$435,000, leaving a balance of approximately \$21,000, and ceased trading the account. By October 15, 2009, Schiller consumed these funds in cash withdrawals or to pay trading fees assessed to the account.

16. Other than the one LLC account mentioned above, Schiller only opened trading accounts in his name and the names of his family members. In June 2011, Schiller opened a trading account in his wife's name and obtained a power of attorney over that account allowing him to direct the trading of the account.

17. In soliciting investors, Schiller claimed to be a profitable commodity futures trader who made consistently large profits.

18. The investors relied on Schiller's representations when deciding whether to initially invest, and when deciding to transfer additional funds to Schiller.

19. For example, in approximately April or early May 2011, Schiller told at least one prospective investor that he successfully, and profitably, traded commodity futures for himself and others. In a face to face meeting, Schiller showed the prospective investor bank statements depicting large balances in his account that Schiller said was the result of his commodity futures trading and two Internal Revenue Service Form 1099-Bs reflecting aggregate trading profits of over \$911,000 for the 2009 calendar year and \$1.6 million for the 2010 calendar year. Schiller also provided this prospective investor with trading account statements that depicted profitable futures trading and balances in excess of \$2 million in Schiller's own personal trading account, as well as profitable trading in a trading account in the name of an LLC managed by Schiller. As a result, the investor transferred \$125,000 to Schiller to trade commodity futures contracts.

20. In reality, in May 2011, Schiller maintained only one personal trading account, and it had a month end balance of negative \$915. He managed no accounts in the name of the LLC.

21. As explained above in paragraph 19, in order to further his fraud and entice investors to deposit funds with Schiller to trade commodity futures contracts, Schiller distributed commodity futures trading statements in Schiller's own name and in the name of an LLC managed by Schiller showing profitable trading and large equity balances in excess of \$2 million.

22. These statements were fictitious. In reality, there were no such trading accounts in the name of the LLC and no such balances. Schiller's personal accounts never had an aggregate balance over \$980,000, which occurred in November 2008, after large deposits were transferred into an FCM

account. Schiller's trading account experienced net trading losses of over \$800,000 from January 2008 to November 2008.

23. During the relevant time, Schiller's trading resulted in net losses of approximately \$1.6 million. Throughout the investment, Schiller reported profitable trading to the investors and failed to disclose trading losses.

24. Schiller knew he was not a profitable commodity futures trader and failed to inform investors of his trading record. On May 18, 2011, Schiller sent an email to an attorney for an investor that admitted that he had no funds to pay the investor as promised and explained that he couldn't keep his trading losses "covered up."

25. On information and belief, Schiller has repaid two investors at least \$3.25 million using funds obtained from subsequent investors. At least four investors are still owed at least \$4.55 million.

B. Misappropriation

26. Schiller misrepresented how investor's funds would be used. Since January 2008, despite representing that the total amount of investor funds would be deposited into commodity futures trading accounts, Schiller deposited only approximately \$3.7 million of the approximately \$7.8 million received from investors into commodity futures trading accounts at three separate FCMs, leaving \$4.1 million not deposited.

27. During the relevant time, Schiller's commodity futures trading resulted in net trading losses of approximately \$1.6 million. Schiller withdrew approximately \$2.1 million from the trading accounts.

28. Of the \$6.4 million that Schiller did not deposit into trading accounts or withdrew from trading accounts, Schiller used approximately \$3.25 million to repay two early investors and the rest to pay Schiller's personal debts, including personal loans, mortgage payments,

luxury car payments and credit card payments. At least four investors did not know Schiller was using their funds to repay earlier investors or for his personal expenses, and did not approve any such payments.

C. False Account Statements

29. In order to hide the fraud, Schiller provided investors via email or in-person, often monthly, with commodity futures trading account statements showing profitable commodity futures trading and large equity balances ranging from \$500,000 to over \$8 million in accounts in his own name and in the name of an LLC. These statements were fictitious. In reality, no such balances existed in Schiller's accounts and the one LLC account identified in paragraph 15 never had a balance greater than \$579,000, which occurred on or about August 11, 2009.

30. For example, in June 2010, Schiller distributed trading account statements for three individual trading accounts in his own name and one account in the name of an LLC to an investor via email. The statements showed that Schiller experienced profitable trading in one individual account with a balance of over \$650,000, two individual accounts maintained balances of \$1.5 million each, and the LLC account with a balance of \$2.5 million. In reality, Schiller maintained one trading account in his own name that was unprofitable in June 2010, and had a month end balance of approximately \$1,400.

31. On February 9, 2012, Schiller emailed another investor trading account statements representing the daily trading and equity balances for four separate trading accounts, including one joint account in the investor's name, for February 8, 2012 with balances ranging from approximately \$250,000 to \$2.325 million. In reality, the only funded trading account that Schiller controlled on February 8, 2012 was an account in the name of his wife. The ending equity balance of that account on February 8, 2012 was approximately \$105.

32. Schiller engaged in the acts described above while acting as a commodity trading advisor in that he was in the business of advising others as to the value of or advisability of trading in any contract of sale of a commodity for future delivery made or to be made on or subject to the rules of any contract market in exchange for either sharing or keeping the profits in Schiller's trading accounts.

33. Schiller engaged in the acts and practices described above knowingly or with reckless disregard for the truth.

V. VIOLATIONS OF THE COMMODITY EXCHANGE ACT AND REGULATIONS

COUNT I

**Violations of Sections 4b(a)(2)(i)-(iii) of the Act:
Fraud in Connection with Commodity Futures Contracts
(Acts Occurring Prior to June 18, 2008)**

34. The allegations set forth in paragraphs 1 through 33 are re-alleged and incorporated herein by reference.

35. Prior to being amended by the CRA, Section 4b(a)(2)(i)-(iii) of the Act, 7 U.S.C. § 6b(a)(2)(i)-(iii) (2006), made it unlawful for any person: (i) to cheat or defraud or attempt to cheat or defraud; (ii) willfully to make or cause to be made to such other person any false report or statement thereof, or willfully to enter or cause to be entered for such person any false record thereof; or (iii) willfully to deceive or attempt to deceive by any means whatsoever other persons, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery made, or to be made, for or on behalf of such other persons if such contract for future delivery is or may be used for (A) hedging any transaction in interstate commerce in such commodity, or the products or byproducts thereof, or (B) determining the price basis of any transaction in interstate commerce in such commodity, or (C) delivering any

such commodity sold, shipped or received in interstate commerce for the fulfillment thereof, in connection with acts occurring before June 18, 2008.

36. As set forth above, during the relevant time, Schiller violated Section 4b(a)(2)(i) and (iii) of the Act, 7 U.S.C. § 6b(a)(2)(i), (iii) (2006), with respect to acts occurring before June 18, 2008, in that he cheated or defrauded, or attempted to cheat or defraud, and willfully deceived, or attempted to deceive by, among other things, (i) fraudulently soliciting members of the public to allow him to direct the trading in a commodity futures trading account, (ii) making, causing to be made, and distributing account statements to investors who entrusted their funds with Schiller that contained false information of exceptional profits, large account equity balances, and accounts in the names of LLCs of which the clients were members, and (iii) misappropriating investor funds.

37. Each misrepresentation or omission of material fact, issuance of a false statement, and act of misappropriation, including but not limited to those specifically alleged herein, is alleged as a separate and distinct violation of Sections 4b(a)(2)(i)-(iii) of the Act, 7 U.S.C. § 6b(a)(2)(i)-(iii), with respect to acts occurring before June 18, 2008.

COUNT II

Violations of Sections 4b(a)(1)(A)-(C) of the Act: Fraud in Connection with Commodity Futures Contracts (Acts occurring on or after June 18, 2008)

38. The allegations set forth in paragraphs 1 through 33 are re-alleged and incorporated herein by reference.

39. Sections 4b(a)(1)(A)-(C) of the Act, to be codified at 7 U.S.C. §§ 6b(a)(1)(A)-(C), provide, in relevant part, that it is unlawful for any person, in or in connection with any order to make or the making of a futures contract, for or on behalf of any other person, (A) to cheat or

defraud or attempt to cheat or defraud another person, (B) willfully to make or cause to be made to the other person any false report or statement or willfully to enter or cause to be entered for the other person any false record, or (C) willfully to deceive or attempt to deceive such other person by any means whatsoever in regard to any such order or contract or the disposition or execution of any such order or contract for such other person, in connection with acts occurring on or after June 18, 2008.

40. As set forth above, during the relevant time, Schiller violated Sections 4b(a)(1)(A)-(C) of the Act, to be codified at 7 U.S.C. §§ 6b(a)(1)(A)-(C), with respect to Acts occurring on or after June 18, 2008, by, among other things, (i) fraudulently soliciting members of the public to allow him to direct the trading in a commodity futures trading account, (ii) making, causing to be made, and distributing account statements to investors who entrusted their funds with Schiller that contained false information of exceptional profits, large account equity balances, and accounts in the names of LLCs of which the clients were members, and (iii) misappropriating investor funds.

41. Each misrepresentation or omission of material fact, issuance of a false statement, and act of misappropriation, including but not limited to those specifically alleged herein, is alleged as a separate and distinct violation of Sections 4b(a)(1)(A)-(C) of the Act, to be codified at 7 U.S.C. §§ 6b(a)(1)(A)-(C), with respect to acts occurring on or after June 18, 2008.

COUNT III

Violations of Section 4o(1) of the Act: Commodity Trading Advisor Fraud

42. The allegations set forth in paragraphs 1 through 33 are re-alleged and incorporated herein by reference.

43. Prior to July 16, 2011, Section 1a(6) of the Act, 7 U.S.C. § 1a(5) (2006), defined a Commodity Trading Advisor (“CTA”) as any person who, for compensation or profit, engages in the business of advising others, either directly or through publications, writings, or electronic media, as to the value of or advisability of trading in any contract of sale of a commodity for future delivery made or to be made on or subject to the rules of any contract market or derivatives transaction execution facility, any commodity option or any leverage transaction; or, for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning any of the activities referred to above. Upon the effective date of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, §§ 701-774, 124 Stat. 1376, 1641 *et seq.* (2010), on July 16, 2011, the definition of a CTA was expanded and re-designated in Section 1a(12) of the Act, to be codified at 7 U.S.C. § 1a(12).

44. Section 4o(1) of the Act, 7 U.S.C. § 6o(1) (2006), prohibits any CTA from using the mails or any other means of interstate commerce to:

(A) employ any device, scheme or artifice to defraud any client or participant or prospective client or participant; or

(B) engage in any transaction, practice or course of business which operates as a fraud or deceit upon any client or participant or prospective participant.

45. As set forth above, Schiller acted as a CTA by directly advising others regarding the value or advisability of trading in futures contracts, through publications, or writings or electronic media, for compensation or profit. In connection with such conduct, Schiller used the mails and other means or instrumentalities of interstate commerce, directly or indirectly, to engage in business as a CTA.

46. As alleged above, during the relevant time, while acting as a CTA, Schiller, through the means or instrumentalities of interstate commerce, employed a device, scheme or

artifice to defraud his CTA clients and engaged in a transaction, practice or course of business that operated as a fraud or deceit upon his CTA investors and prospective investors. This included, but was not limited to, (1) failing to disclose that he was not a profitable commodity futures trader; (2) omitting the fact that he did not open a trading account in the name of the investor's LLC but rather individual trading accounts which the investors had no access; (3) creating and distributing false account statements to investors and prospective investors touting equity balances in trading accounts in Schiller's name and in the name of the LLC ranging from \$500,000 to over \$8 million; and (4) misappropriated investor funds for his personal use. Consequently, he violated Section 4o(1)(A) and (B) of the Act, 7 U.S.C. § 6o(1)(A) and (B).

47. Each act of misappropriation, misrepresentation or omission of material fact, and issuance of a false report, including but not limited to those specifically alleged herein, is alleged as a separate and distinct violation of Section 4o(1) of the Act, 7 U.S.C. § 6o(1).

COUNT IV

**Violations of Section 6(c)(1) of the Act, as Amended, and Regulation 180.1(a):
Fraud by Manipulative or Deceptive Devices or Contrivances
(Acts Occurring on or after August 15, 2011)**

48. The allegations set forth in paragraphs 1 through 33 are re-alleged and incorporated herein by reference.

49. Section 6(c)(1) of the Act, as amended, to be codified at 7 U.S.C. § 9(1), provides, in relevant part:

It shall be unlawful for any person, directly or indirectly, to use or employ or attempt to use or employ, in connection with any swap, or a contract of sale of any commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission shall promulgate

50. Regulation 180.1(a) provides, in relevant part:

It shall be unlawful for any person, directly or indirectly, in connection with any swap, or contract of sale of any commodity in interstate commerce, or contract for future delivery on or subject to the rules of any registered entity, to intentionally or recklessly:

- (1) Use or employ, or attempt to use or employ, any manipulative device, scheme, or artifice to defraud;
- (2) Make, or attempt to make, any untrue or misleading statement of a material fact or to omit to state a material fact necessary in order to make the statements made not untrue or misleading;
- (3) Engage, or attempt to engage, in any act, practice, or course of business, which operates or would operate as a fraud or deceit upon any person

51. Since August 15, 2011¹ and continuing to at least February 2012, Schiller used or employed manipulative or deceptive devices or contrivances in connection with his solicitation and acceptance of investor funds including, but not limited to, (1) failing to disclose that he was not a profitable commodity futures trader; (2) omitting the fact that he did not open a trading account in the name of the investor's LLC but instead opened and traded individual trading accounts to which the investors had no access; (3) creating and distributing false account statements to investors and prospective investors touting equity balances in trading accounts in Schiller's name and in the name of the LLC ranging from \$500,000 to over \$8 million; and (4) misappropriating investor funds for his personal use.

52. By this conduct, Schiller violated Section 6(c)(1) of the Act, as amended, to be codified at 7 U.S.C. § 9, and Regulation 180.1(a), 17 C.F.R. § 180.1(a) (2011).

¹ The amendment to Section 6(c)(1) and Regulation 180.1 became effective on August 15, 2011, and therefore Count IV only applies to conduct on or after that date. *See* 76 F.R. 41,398, July 14, 2011 (¶ 31,990).

53. Schiller engaged in the acts and practices described above knowingly or with reckless disregard for the truth.

54. Each manipulative or deceptive device or contrivance used or employed on or after August 15, 2011, including but not limited to those specifically alleged herein, is alleged as a separate and distinct violation of Section 6(c)(1) of the Act, as amended, to be codified at 7 U.S.C. § 9, and Regulation 180.1(a), 17 C.F.R. §180.1(a) (2011).

VI. RELIEF REQUESTED

WHEREFORE, the Commission respectfully requests that the Court, as authorized by Section 6c of the Act, 7 U.S.C. § 13a-1 (2006), and pursuant to its own equitable powers, enter:

a) Enter an order finding Schiller liable for violating: Sections 4b(a)(2)(i)-(iii), 7 U.S.C. § 6b(a)(2)(i)-(iii) (2006), with respect to acts committed before June 18, 2008; Sections 4b(a)(1)(A)-(C), as amended, to be codified at 7 U.S.C. §§ 6b(a)(1)(A)-(C), with respect to acts committed on or after June 18, 2008; Section 6(c)(1) of the Act, as amended, to be codified at 7 U.S.C. § 9; and Section 4o of the Act, 7 U.S.C. § 6o (2006); and Regulation 180.1(a), 17 C.F.R. § 180.1(a)(2011)

b) An order of permanent injunction prohibiting Schiller and any of his agents, servants, employees, assigns, attorneys, and persons in active concert or participation with Schiller, including any successor thereof, from, directly or indirectly:

(i) engaging in conduct in violation of Sections 4b(a)(1)(A)-(C) of the Act, as amended, to be codified at 7 U.S.C. § 6b(a)(1)(A)-(C), Section 6(c)(1) of the Act, as amended, to be codified at 7 U.S.C. § 9, Section 4o, and Regulation 180.1(a), 17 C.F.R. § 180.1(a) (2011);

- (ii) trading on or subject to the rules of any registered entity (as that term is defined in Section 1a of the Act, as amended, to be codified at 7 U.S.C. § 1a);
- (iii) entering into any transactions involving commodity futures, options on commodity futures, commodity options (as that term is defined in Regulation 1.3(hh), 17 C.F.R. § 1.3(hh) (2011)) (“commodity options”), security futures products, and/or foreign currency (as described in Sections 2(c)(2)(B) and 2(c)(2)(C)(i) of the Act, 7 U.S.C. §§ 2(c)(2)(B) and 2(c)(2)(C)(i) (Supp. III 2009)) (“forex contracts”), for his own personal account or for any account in which he has a direct or indirect interest;
- (iv) having any commodity futures, options on commodity futures, commodity options, security futures products, and/or forex contracts traded on his behalf;
- (v) 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, and/or forex contracts;
- (vi) 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, and/or forex contracts;
- (vii) 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 Regulation 4.14(a)(9), 17 C.F.R. § 4.14(a)(9) (2011);

(viii) acting as a principal (as that term is defined in Regulation 3.1(a), 17 C.F.R. § 3.1(a) (2011)), agent or any other officer or employee of any person (as that term is defined in Section 1a of the Act, as amended, 7 U.S.C. § 1a (Supp. III 2009) registered, exempted from registration or required to be registered with the Commission except as provided for in Regulation 4.14(a)(9), 17 C.F.R. § 4.14(a)(9) (2011);

c) An order directing Schiller to make full restitution to every person or entity whose funds Schiller received or caused another person or entity to receive as a result of acts and practices that constituted violations of the Act and the Regulations, as described herein, and pre- and post-judgment interest thereon from the date of such violations;

d) An order directing Schiller, as well as any successors to Schiller, to disgorge, pursuant to such procedure as the Court may order, all benefits received from the acts or practices which constitute violations of the Act and the Regulations, as described herein, and pre- and post-judgment interest thereon from the date of such violations;

e) An order directing Schiller to pay a civil monetary penalty for each violation of the Act described herein, plus post-judgment interest, in the amount of the higher of: 1) \$140,000 for each violation of the Act and Regulations committed on or after October 23, 2008; 2) \$130,000 for each violation of the Act and Regulations committed between October 23, 2004 and October 22, 2008; or 3) triple the monetary gain to Schiller for each violation of the Act and the Regulations, plus post-judgment interest;

f) An order requiring Schiller to pay costs and fees as permitted by 28 U.S.C. §§ 1920 and 2412(a)(2) (2006); and

g) Such other and further relief as the Court deems proper.

Dated:

Respectfully submitted,

/s/ Jennifer S. Diamond

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