

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**U.S. COMMODITY FUTURES TRADING)
COMMISSION and OKLAHOMA)
DEPARTMENT OF SECURITIES *ex*)
rel IRVING FAUGHT,)**

Plaintiff,

v.

Case No. CIV-09-1284-R

**PRESTIGE VENTURES CORP.,)
a Panamanian corporation, FEDERATED)
MANAGEMENT GROUP, INC., a Texas)
corporation, KENNETH WAYNE LEE,)
an individual, and SIMON YANG)
(a/k/a XIAO YANG, a/k/a SIMON CHEN,)
an individual,)**

Defendants.

and

**SHEILA M. LEE, an individual, DAVID)
A. LEE, an individual, and DARREN)
E. LEE, an individual,)**

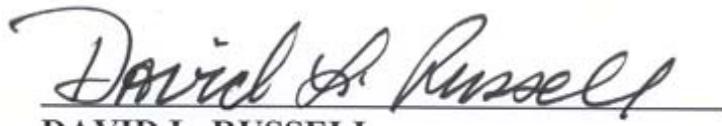
Relief Defendants.

ORDER

On August 10, 2010, Defendant Yang filed a proposal with the Court, to which Plaintiffs have objected and Defendant Yang has filed a reply. In the proposal Defendant Yang asks the Court to stay this action to permit him opportunity to use his own money to allow Defendant Lee to prove that he is a gifted trader. If Mr. Lee realizes gains of 2% or greater each month during this test period, Mr. Yang asks that the Court dismiss this action. If Mr. Lee fails to realize such gains, the test would end and the case would continue.

Plaintiffs object to the proposal. The Court **DECLINES** to adopt this unorthodox proposal. This matter is set for trial in November 2010 and the Plaintiffs have filed a motion for summary judgment. Whether Mr. Lee operated a legal trading business that experienced substantial losses, as Mr. Yang contends, or a ponzi scheme, as Plaintiffs argue, will be decided either on summary judgment or at trial. A test along the lines of the proposal offered by Mr. Yang is not the appropriate method for resolution of this dispute.

IT IS SO ORDERED this 14th day of September 2010.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE