

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARION A. HECHT, as Receiver for	:	
Joseph Forte, L.P.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 10-7441-PD
	:	
MF GLOBAL INC.,	:	
	:	
Defendant.	:	

**RESPONSE OF MARION A. HECHT, AS RECEIVER FOR
JOSEPH FORTE, L.P., TO NOTICE OF POTENTIAL DISMISSAL**

This Response is filed on behalf of Marion A. Hecht, as Receiver for Joseph Forte, L.P., in response to this Court’s Notice dated June 1, 2017 (Dkt. No. 32), in the above-captioned matter.

On December 21, 2010, the Receiver filed a Complaint against MF Global, Inc., the futures commission merchant that held the Forte Partnership account, on the ground that it was negligent in the conduct of its business by ignoring, among other things, the internally inconsistent paperwork in its files relating to Forte’s claim of exemption from registration with the CFTC. As previously reported, during the pendency of settlement discussions which had resulted in an agreement in principle that would have resulted in a payment of \$125,000 to the Receivership Estate, MF Global collapsed and was placed into receivership on October 31, 2011. Accordingly, this Court placed this case in the Civil Suspense File (Dkt. No. 28).

On June 1, 2012, the Receiver filed her claim against MF Global with James W. Giddens, the Trustee for the SIPA Liquidation of MF Global, Inc., captioned *In re MF Global Inc.*, No. 11-

2790 (Bankr. S.D.N.Y.). The Receiver and counsel for the Trustee of MF Global negotiated an agreement in principle that, in light of the previous settlement discussions and the subsequent delay resulting from MF Global's SIPA proceedings, her claim should be allowed in the amount of \$250,000.

On September 2, 2014, upon the motion of the Receiver, this Court authorized the Receiver to enter into a stipulation with the Trustee concerning allowance of her claim. That claim was subsequently approved by the Court overseeing MF Global's SIPA liquidation. To date, the Receiver has recovered a total of \$237,500 on this claim – 95% of the allowed amount of the claim and almost twice the amount that she had initially negotiated in settlement of her claim.

The Receiver does not anticipate receiving any additional distributions arising from her claim against MF Global. However, on the chance that there are any additional distributions in the MF Global SIPA proceedings, the Receiver would not want to have agreed to dismiss the claims against MF Global with prejudice. Therefore, while the Receiver is agreeable to the dismissal of this matter, she respectfully requests that the matter be dismissed *without* prejudice.

Respectfully submitted,

Dated: June 14, 2017

s/ Arlene Fickler
Arlene Fickler
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*Attorneys for Plaintiff Marion A. Hecht,
as Receiver for Joseph Forte, L.P.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 14, 2017, I caused a true and correct copy of the foregoing Response of Marion A. Hecht, as Receiver for Joseph Forte, L.P., to Notice of Potential Dismissal to be filed electronically and made available for viewing and downloading from the ECF system of the United States District Court for the Eastern District of Pennsylvania, which will send notification of such filing to all counsel of record. The Receiver will also post a copy of the motion on the Receivership website, www.fortereceivership.com.

The following counsel were served through electronic mail:

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s/ John R. Timmer