

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:09cv387**

\_\_\_\_\_) )  
U.S. COMMODITY FUTURES TRADING )  
COMMISSION, )

Plaintiff, )

v. )

**ORDER**

CAPITALSTREET FINANCIAL, LLC & )  
SEAN F. MESCALL, )

Defendants, and )

GERALD T. MESCALL & )  
GAINCAPITAL, INC., )

Relief Defendants. )  
\_\_\_\_\_)

**THIS MATTER** is before the Court on a joint motion for order to show cause. (Doc. No. 25). The plaintiff and Receiver move the Court to order defendant Sean Mescall to show cause as to why he should not be held in contempt for violating the Court's September 16, 2009 Order. The Court is aware of a pending state-court criminal matter involving Mescall and has questions as to the effect of this civil case on the criminal matter.

**IT IS, THEREFORE, ORDERED** that within ten days of this Order the CFTC shall submit a brief on the issue of the Court's authority to require responses from the defendant where such responses might implicate his Fifth Amendment rights in a pending criminal matter.

Signed: March 5, 2010



Robert J. Conrad, Jr.  
Chief United States District Judge

