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Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

COMMODITY FUTURES TRADING )  
COMMISSION, )

Plaintiff, )

v. )

DAREN L. PALMER and TRIGON Group, )  
INC., )

Defendants. )

CIVIL ACTION NO.: CV-09-76-E- EJL

**PLAINTIFF’S MOTION FOR SUMMARY  
JUDGMENT AGAINST  
DAREN L. PALMER**

Plaintiff the United States Commodity Futures Trading Commission (the “Commission”) respectfully submits this Motion for Summary Judgment Against Daren L. Palmer. The Commission seeks a permanent injunction prohibiting future violations of the Commodity Exchange Act, disgorgement of Mr. Palmer’s ill-gotten gains, and a civil monetary penalty.

As is more fully set forth in the Commission’s Memorandum in Support of Plaintiff’s Motion for Summary Judgment, Palmer solicited investors for participation in a commodity pool to trade commodity futures contracts. Starting in 2000, Palmer solicited more than \$68 million

from at least fifty-five pool participants for trading in S&P 500 futures and options, claiming exorbitant returns of as much as seven percent monthly. However, only a very small fraction of the pool participant funds were ever traded. Instead, Palmer used the pool participant funds to fund his extravagant lifestyle and to pay other pool participants.

Through these activities, Palmer violated, and unless enjoined, will continue to violate the anti-fraud provisions of Sections 4b(a)(2) and 4c(1) of the Commodity Exchange Act (the “Act”), 7 U.S.C. §§ 6(b)(a)(2) and 6o(1) (2006), and Section 4b(a)(1) of the Act as amended by the Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, Title XIII (the CFTC Reauthorization Act (“CRA”)), § 13102, 122 Stat. 1651 (effective June 18, 2008), to be codified at 7 U.S.C. § 6(b)(a)(1). Palmer recruited pool participants through material misrepresentations and omissions to facilitate the trading of stock index futures. Palmer also failed to register as a Commodity Pool Operator, violating the registration provisions of Section 4m(1) of the Act, 7 U.S.C. § 6m(1) (2006). Thus, as more fully described in the accompanying Memorandum, the Commission is seeking to enjoin such conduct by an order of permanent injunction, and other relief, including civil monetary penalties and disgorgement.

Based upon the accompanying Memorandum and supporting exhibits, the Commission respectfully requests that the Court enter summary judgment against Daren L. Palmer.

Respectfully submitted,

**PLAINTIFF U.S. COMMODITY FUTURES TRADING  
COMMISSION**

By: /s/ John W. Dunfee

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