

## >>>FAIRVIEW FLASH REPORT<<<

### UPDATE: Lawsuit Challenging New CFTC Regulations Dismissed

#### WHAT HAPPENED?

On Wednesday, December 12, U.S. District Judge Beryl Howell dismissed a lawsuit filed by the Investment Company Institute (ICI) and the U.S. Chamber of Commerce against the U.S. Commodity Futures Trading Commission (CFTC).

The ICI and Chamber of Commerce were attempting to block a rule that will require some advisers beginning in January to register as commodity pool operators and will force mutual funds with commodity investments to register with the CFTC unless they are able to rely on an available exemption. The ICI and Chamber of Commerce had argued that the rule was unnecessary and that the CFTC had not performed an adequate cost benefit analysis before approving the regulation.

Judge Howell's decision allows the rule to move forward which becomes effective January 1, 2013.