

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

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COMMODITY FUTURES TRADING
COMMISSION, et al.

Plaintiffs – Appellees,

v.

SIMON YANG, an individual

Defendant – Appellant,

And

PRESTIGE VENTURES CORP., et al.

Defendants.

No. 10-6287
(D.C. No. 5:09-CV-01284-R)

SUPPLEMENT TO APPELLANT'S OPENING BRIEF

Recently Simon Yang Appellant became known of the following new information of this lawsuit after submitting his Appellant Opening Brief:

U.S. Federal Bureau of Investigation (FBI) had investigated Prestige Ventures, Kenneth W Lee and Simon Yang in 2009 on a complaint that a Ponzi scheme or fraud might be operated by Ken Lee and Simon Yang. In September 2009 U.S. District Attorneys studied all evidences and files of FBI for a Ponzi scheme or financial fraud and decided not to charge Ken Lee or Simon Yang for any criminal wrongdoing. (The early plan was for district attorneys to file criminal lawsuit against Defendants Ken Lee and Simon Yang if investigation evidences convinced them, and CFTC & ODS to file civil lawsuit in early September 2009.) Consequently Plaintiffs CFTC and ODS took additional two more months to prepare new papers for a civil lawsuit except those declarations of those six witness investors who signed on early September 2009 on the ground of criminal charges.

Evidences of those FBI files will shed light on many difficult questions faced by judge Russell of the district court and many investors of Prestige: where, how and how much funds of Prestige investment accounts were transferred from U.S. brokerages to offshore brokerage accounts (like PanAmerica Group in the Republic of Panama), how much investment portfolios of Prestige were worth, how much Ken Lee and his family invested with Prestige, how Ken Lee deposited \$1.2 million of wire transfers which Plaintiffs and Receiver Moriarty did not account for, why K.

Driscoll of Plaintiffs claimed in Judge Russell's office in March 2010 that "Ken Lee is sitting on piles of money" after Ken Lee said on the phone that he did not have funds to attend the coming April 2010 hearing in Oklahoma City because the court froze all his personal funds, and why J Holl of Plaintiffs refused to verify Prestige statements of PanAmerica Group in Panama. Why did those district attorneys decide to drop the criminal case based on these evidences but Plaintiffs CFTC & ODS choose to file a civil lawsuit?

Simon Yang knew on 2011 March 3 that FBI had those files of investigation on Prestige Ventures / Ken Lee, and Plaintiffs knew all those FBI evidences in 2009 but did not inform the district court of those evidences. Due to lack of legal knowledge, Simon Yang did not know how to bring those evidences to the court of appeals for two weeks. On 2011 March 14 Simon Yang went to FBI office of Oklahoma City for a copy of those FBI files to the court of appeals and for complaints of obstruction of justice and violation of civil rights by Plaintiffs. A FBI agent there received Simon Yang and told that FBI would not release those files to individuals like Simon Yang but FBI would release those files to the court if the court orders.

Therefore Simon Yang respectfully asks the court of appeals to review all evidences of those FBI files on Prestige Ventures, Ken Lee and Simon Yang for the true picture of Prestige business and how Plaintiffs pervert justice for wrongful gains.

Date: March 15, 2011

Submitted respectfully,

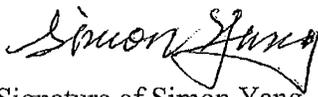


Simon Yang
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CERTIFICATE OF SERVICE

I hereby certify that on a date March 15, 2011 I served a copy of Supplement to Appellant Opening Brief to Lynn Bulan (Lbulan@CFTC.gov), Terra Bonnell (tbonnell@securities.ok.gov), Ken Lee (klee88@prestigeventures.com), and S. Moriarty (Smoriarty@fellerssnider.com) by email.

Date: March 15, 2011

A handwritten signature in black ink that reads "Simon Yang". The signature is written in a cursive style with a large, stylized "S" and "Y".

Signature of Simon Yang