

This Order has been published by NASD's Office of Hearing Officers and should be cited as OHO Order 07-01 (E3A20050065).

NASD OFFICE OF HEARING OFFICERS

DEPARTMENT OF ENFORCEMENT,

Complainant

v.

Respondent.

Disciplinary Proceeding
No. E3A20050065

Hearing Officer – RSH

ORDER REGARDING RESPONDENT'S PRE-HEARING SUBMISSIONS

The pre-hearing schedule in this proceeding required the parties to file their pre-hearing submissions by January 29, 2007, and the Order Establishing Pre-Hearing and Hearing Schedule and Procedures ("Procedures Order") established standards for those submissions. Pursuant to the schedule, the Procedures Order, and NASD Procedural Rule 9242, each party's pre-hearing submission should have included a list of all witnesses who will testify for the party, including the witnesses' names, addresses, and a brief summary of their expected testimony, a list and copies of all exhibits that the party intends to offer at the hearing; a memorandum of points and authorities that contains a summary of the party's case or defense and the legal theories upon which the party relies.

The Respondent did not file an Exhibit List or Witness List with his Pre-Hearing Submission on January 30, 2007. If the Respondent intends to call any witnesses during the hearing in this disciplinary proceeding, the Witness List should be filed with the Office of Hearing Officers by February 9, 2007.

This Order has been published by NASD's Office of Hearing Officers and should be cited as OHO Order 07-01 (E3A20050065).

The Hearing Officer has reviewed the Respondent's exhibits and found that the documents submitted are not tabbed as required by the Procedures Order. Accordingly, the Respondent's proposed exhibits are rejected and returned to the Respondent. The Respondent is given until February 9, 2007, to submit the original and three copies of all documents he intends to offer into evidence at the hearing. The documents shall be labeled, tabbed, and placed in three-ring binders.

Moreover, the Respondent shall file a proper exhibit list that includes a brief description of each proposed exhibit. If the Respondent fails to comply with the foregoing, he will be precluded from offering any exhibits at the hearing, other than exhibits included in Enforcement's pre-hearing submission.

IT IS SO ORDERED.

Rochelle S. Hall
Hearing Officer

Washington, DC
February 1, 2007