

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

NANCY KIMBALL MELLON
(CRD No. 1253484),

Respondent.

Disciplinary Proceeding
No. 2017052760001

Hearing Officer–MJD

ORDER REGARDING RESPONDENT'S PRE-HEARING SUBMISSIONS

On March 8, 2019, the Office of Hearing Officers received Respondent Nancy Kimball Mellon's ("Respondent") pre-hearing submissions, including her pre-hearing brief, witness and exhibits lists, 25 proposed hearing exhibits, and a motion to permit the telephone testimony of two witnesses. Respondent failed to comply with the requirements set forth in the Case Management and Scheduling Order ("CMSO") as follows:

Witness list: The CMSO, at 7, requires that, in addition to a witness's name, a party shall include the witness's address and occupation, and a brief summary of the substance and scope of the witness's proposed testimony. Respondent failed to provide addresses and occupations for any of the witnesses she identified.

Exhibit list: The CMSO, at 7, requires that a party include a description of each exhibit and a brief statement of the purpose for which the exhibit will be offered into evidence. In nearly every instance, Respondent failed to adequately identify the exhibit and describe the purpose for which she intends to offer it. For example, RX-2 is identified solely as "later reporting documentation" which actually appears to be a 17-page BrokerCheck Dispute Form. Respondent does not state the purpose for which she intends to offer the exhibit. As another example, RX-12 is inadequately described as "lien releases" and Respondent failed to include a statement of the purpose for which she intends to offer it into evidence at the hearing.

Exhibits: The CMSO, at 8, requires that exhibits be sequentially numbered and labeled in a manner that identifies the party offering the exhibit. Therefore, Respondent's exhibits should be labeled RX-1, RX-2, etc. Respondent failed to number any of her proposed exhibits.

Respondent also failed to paginate any of the exhibits. For multiple page documents, each page shall be marked with the exhibit number followed by the page number and total number of

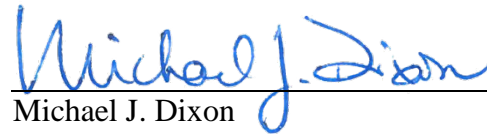
pages in the exhibit. For example, RX-2 is 17 pages in length. It therefore should be numbered and paginated RX-2, Page 1 of 17, Page 2 of 17, and so on, as set forth in the example in the CMSO, at 8.

Respondent shall submit to the Office of Hearing Officers, with copies served on Enforcement, revised exhibit and witness lists, together with copies of exhibits, that comply with the instructions set forth in the CMSO:

- The revised witness list must contain each witness's address and occupation and a brief summary of the witness's anticipated testimony.
- Each exhibit on the revised exhibit list must include an adequate description of the exhibit and a brief statement of the purpose for which it will be offered into evidence.
- The exhibits themselves shall be numbered and paginated as described above and in the CMSO.
- Respondent shall also sign and date the revised exhibit and witness lists, as required by the CMSO, at 4, and FINRA Procedural Rule 9136.

Respondent shall submit the revised exhibit and witness lists, together with four sets of all the exhibits, no later than **March 20, 2019**.

SO ORDERED.



Michael J. Dixon
Hearing Officer

Date: March 13, 2019

Copies to:

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