

This Order has been published by NASD's Office of Hearing Officers and should be cited as OHO Order 05-03 (C3A040023).

NASD OFFICE OF HEARING OFFICERS

DEPARTMENT OF ENFORCEMENT,

Complainant

v.

Respondent 1

Respondent 2

Respondent 3

Respondents.

Disciplinary Proceeding
No. C3A040023
(Consolidating C3A040023,
C3A040024 and
C3A40025)

Hearing Officer – DMF

ORDER REGARDING RESPONDENTS' PRE-HEARING SUBMISSIONS

The pre-hearing schedule in this proceeding required the parties to file their pre-hearing submissions by February 18, 2005. Pursuant to the schedule and 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, occupations, addresses, and a brief summary of their expected testimony, as well as a list and copies of all exhibits that the party intends to offer at the hearing Respondents' only pre-hearing submissions were a "witness disclosure and exhibit disclosure" filed by Respondents 1 and 2 on February 4 and a "proposed exhibit and witness list" filed by Respondent 3 on February 7. These filings did not include the occupations or addresses of the listed witnesses or any summaries of their expected testimony, or copies of any proposed exhibits.

Therefore, Respondents' pre-hearing submissions are stricken, without prejudice to Respondents re-submitting witness lists, exhibit lists and copies of proposed exhibits

This Order has been published by NASD's Office of Hearing Officers and should be cited as OHO Order 05-03 (C3A040023).

that conform with Rule 9242 no later than March 1, 2005. If Respondents fail to do so, they will be precluded from offering the testimony of any witnesses or any exhibits at the hearing, other than witnesses listed or exhibits included in Enforcement's pre-hearing submission.

SO ORDERED.

David M. FitzGerald
Hearing Officer

Dated: February 24, 2005