

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

EUGENE H. KIM
(CRD No. 2264940),

Respondent.

Disciplinary Proceeding
No. 2019064508802

Hearing Officer– DRS

ORDER GOVERNING POST-HEARING BRIEFING

This order memorializes and expands upon certain instructions I gave the parties at the close of the hearing in this matter.

The parties shall file post-hearing briefs in accordance with the following schedule and procedures:¹

- A. Each party shall file a post-hearing brief, not to exceed **80 pages**, by **August 13, 2024**.² The page limits are exclusive of cover sheets, tables of contents, tables of authorities, and appendices. The parties may incorporate by reference portions of their pre-hearing briefs, and this will not count against their page limits. The filing of these briefs is mandatory.
- B. Each party's brief shall include separate sections containing proposed findings of fact³ and conclusions of law and shall address, at a minimum: (a) the factual allegations in the Complaint; (b) each defense separately; (c) witness credibility; and (d) the arguments made in the opposing party's pre-hearing brief and closing argument.
- C. In the conclusions of law section, the parties shall address the legal issues in the case, including whether Enforcement has proven the charges in the Complaint. Enforcement's

¹ As required by FINRA Rule 9266(c), I consulted with the parties regarding post-hearing briefing before issuing this order.

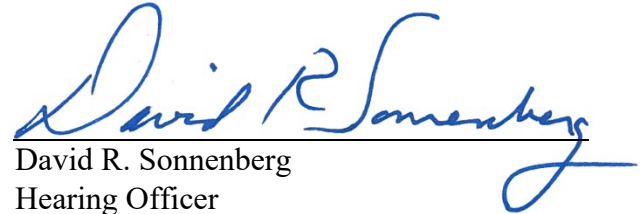
² The due date for the filing of post-hearing briefs is 62 days after the conclusion of the hearing, a period that exceeds by two days the 60-page limitation contained in FINRA Rule 9266(c). I find that good cause exists for the briefing period set forth in this order for the following reasons: the case is factually and legally complex, and the record is large—the hearing spanned eight days and the parties introduced numerous exhibits into evidence.

³ Pursuant to FINRA Rule 9266(b), all proposed findings of fact or other factual statements in the briefs shall be supported by specific references to the record.

brief shall also address sanctions. Respondent may—but is not required to—address sanctions.

- D. The parties shall attach to their briefs an appendix, in the form of a chart, that identifies the page(s) in their briefs where they address each allegation in the Complaint. The parties shall not attach any other appendices to their briefs without first obtaining leave from me to do so.
- E. The briefs shall use standard 1-inch margins, 12-point Times New Roman font in the text, and 10-point Times New Roman font in the footnotes. The text shall be double spaced. The body of footnotes shall be single spaced, with 6-point separations between footnotes. The parties shall minimize their use of lengthy textual footnotes.

SO ORDERED.


David R. Sonnenberg
Hearing Officer

Dated: June 13, 2024

Copies to:

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