This Order has been published by NASD's Office of Hearing Officers and should be cited as OHO Order 06-51 (EAF0400300001).

## NASD OFFICE OF HEARING OFFICERS

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

Disciplinary Proceeding No. EAF0400300001

Hearing Officer-SNB

Respondents.

## **ORDER REGARDING HEARING PROCEDURES**

On October 30, 2006, Respondents filed a motion to require Enforcement to provide its order of witnesses in advance of the hearing in this matter. Respondents argue that they need advance notice in order to prepare, and to ensure that Respondents will be present when Enforcement decides to call them. On November 1, 2006, Enforcement filed a response indicating that it would agree to make a good faith effort to identify the witnesses it will call, as long as Respondents will do the same. Enforcement indicated that Respondents are agreeable to this arrangement. After considering Respondents' motion, and in order to provide for an orderly and efficient hearing, the following procedures shall apply:

**Order of Witnesses:** Each party shall make good faith efforts to identify the witnesses it intends to call, at least 48 hours in advance of each hearing day.

**Witnesses:** Parties shall schedule their presentation of witnesses so that there are no gaps in the hearing day. Witnesses shall wait to be called in the lobby on the 48<sup>th</sup> Floor of 1 Liberty, New York, NY.

Attendance at Hearing: The Hearing shall begin at 9:00 each day, and generally continue until 5:00 p.m. However, in order to finish the testimony of a given witness, the

## This Order has been published by NASD's Office of Hearing Officers and should be cited as OHO Order 06-51 (EAF0400300001).

hearing may, on occasion, extend beyond 5:00 p.m. **Pursuant to Rule 8210, individual Respondents shall attend all hearing days.** Parties shall wait in the lobby on the 48<sup>th</sup> Floor of 1 Liberty, New York, NY, until all parties are present. Once all parties are present, they may enter Hearing Room 47A together. Parties who are not present for the hearing as scheduled may be subject to default.

**Electronic Monitors:** Enforcement has elected to display its exhibits electronically. Enforcement shall use individual monitors for this purpose. Enforcement shall provide, at its cost, monitors for each Panelist, for the witness, and for each Respondent who requests one. Enforcement has also agreed to provide Respondents with an overhead projector that will permit Respondents to display their exhibits on the monitor screens. The Hearing Room shall be available to the parties in order to set up the electronic monitors on Friday, November 3, 2006, from 12:00 p.m. to 4:00 p.m. The parties may contact \_\_\_\_\_\_, at [], with any questions regarding access to the Hearing Room.

**Hard Copies of Exhibits:** Parties shall provide to the court reporter with one hard copy of any exhibit introduced as evidence. The witness may also refer to this copy.

## SO ORDERED.

Sara Nelson Bloom Hearing Officer

Dated: November 2, 2006