

support of Corazzi's Motion or, in the alternative, a postponement of the date for his exhibit list to January 19, 2015.

Corazzi's Motion essentially requests that the hearing and procedural dates be postponed until he can engage successor counsel. He represents that he did not file his request promptly after learning that previous counsel would be withdrawing because he experienced loss and illness during December 2014. He states that he has identified possible successor counsel but that he would not be able to procure funds to pay the counsel for "at least another month or two." In support of postponement, Cohen, noting that he received the Division's investigative file in August 2014, states that the record is voluminous and that more time is needed to prepare an effective defense.

The requested postponement will be denied, and the hearing will commence, as scheduled, on February 9, 2015. While Corazzi unfortunately experienced loss and illness during December 2014, he has been aware of the hearing date for four months, and of the withdrawal of prior counsel for at least six weeks. Corazzi states that he requires the postponement in order to engage successor counsel. Yet, he concedes that he does not have the funds to engage counsel and is not likely to obtain such funds in the near future.

Concerning Cohen's support for a lengthy postponement, he concedes that he received the Division's investigative file in August 2014, in advance of the September 2014 prehearing conference at which he agreed to the February 9, 2015, hearing date. Further, the Commission has rejected the argument that the size of the investigative file renders complete review of it prior to the hearing not feasible, such that relief is justified. *John Thomas Capital Mgmt. Grp. LLC*, Investment Advisers Act of 1940 Release No. 3733, 2013 SEC LEXIS 3860, at *21-26 (Dec. 6, 2013); *see also Gregory M. Dearlove, CPA*, Admin. Proc. File No. 3-12064, 2006 SEC LEXIS 3191 (Jan. 6, 2006). Certainly a four-month postponement would be inconsistent with the deadlines provided in 17 C.F.R. § 201.360(a)(2).

In light of the denial of the Motion, the prehearing procedural dates will be adjusted to allow Corazzi to participate and to accommodate Cohen's alternative request. The deadline for exhibit and witness lists and expert reports, if any, will be postponed to January 26, 2015.² Likewise, prehearing briefs will be due on that date.

IT IS SO ORDERED.

/S/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge

² The Division has filed information concerning a proposed expert witness, not an expert report. If it wishes to present expert testimony, it must file an expert report – the expert's direct evidence – by January 26, 2015, and make its expert available for cross-examination. *See Natural Blue Res., Inc.*, 2014 SEC LEXIS 4690; Prehearing Conference Tr. at 13.