

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 4574/January 31, 2017

ADMINISTRATIVE PROCEEDING

File No. 3-16649

In the Matter of

IRONRIDGE GLOBAL PARTNERS, LLC,
IRONRIDGE GLOBAL IV, LTD.

ORDER GRANTING IN PART
RESPONDENTS' COMBINED
MOTION TO QUASH AND
MOTION IN LIMINE

The Securities and Exchange Commission issued an order instituting proceedings in this matter on June 23, 2015. A hearing is currently scheduled for February 21, 2017, in Washington, D.C. The Division of Enforcement's amended witness list was due November 28, 2016. *See Ironridge Global Partners, LLC*, Admin. Proc. Rulings Release No. 4287, 2016 SEC LEXIS 3954 (ALJ Oct. 20, 2016).

On January 23, 2017, Respondents submitted a combined motion to quash and motion in limine, in which they request I not issue six testimonial subpoenas submitted by the Division and bar the six associated witnesses from testifying at the hearing. The Division submitted a response (Opp'n) on January 26, 2017, in which it admitted that the six witnesses were not on its November 28, 2016, witness list, and that it first notified Respondents that it intended to call the six witnesses on January 13, 2017. Respondents timely filed a reply.

Commission proceedings must be "conducted fairly in furtherance of the search for the truth and a just determination of the outcome." *Clarke T. Blizzard*, Investment Advisers Act of 1940 Release No. 2032, 2002 SEC LEXIS 3406, at *7 (Apr. 24, 2002). The Division's explanation for its omission of the six witnesses from its November 2016 witness list – in sum, because it could not "verify the[ir] current whereabouts" – is weak. *See* Opp'n at 2. If the Division wished to call these six witnesses but lacked their addresses, the best practice would have been to list them on its witness list without their addresses. And as Respondents correctly note, the Division's description of their expected testimony suggests that such testimony may turn out to be cumulative of other witnesses. *See* Mot. at 6.

On the other hand, the Division disclosed the witnesses to Respondents on January 13, 2017, more than five weeks before the start of the hearing, and Respondents therefore may not be unduly prejudiced by the late disclosure. And the Division has not explained with particularity the relevance of the six witnesses' expected testimony. On balance, therefore, whether the witnesses should be permitted to testify cannot be answered without more information.

It is therefore ORDERED that Respondents' combined motion, to the extent it requests I not issue the subpoenas at issue, is GRANTED.

It is further ORDERED that decision on Respondents' combined motion, to the extent it requests that the proposed witnesses not be permitted to testify, is DEFERRED. The Division may file a motion to retroactively amend its witness list no later than February 6, 2017, in which it explains with particularity the relevance of the proposed witnesses' testimony, and demonstrates that such testimony is not unduly repetitious. Respondents may file a response no later than February 10, 2017. No reply shall be filed.

Cameron Elliot
Administrative Law Judge