

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

Administrative Proceedings Rulings
Release No. 6638 / July 23, 2019

Administrative Proceeding
File No. 3-17184

In the Matter of
Christopher M. Gibson

**Order Following Final
Prehearing Conference**

I held a prehearing conference today attended by counsel for Respondent Christopher M. Gibson and the Division of Enforcement. Several logistical matters were discussed in advance of the hearing beginning on July 29, 2019, which I memorialize below:

- 1) The hearing location and time have changed. Instead of beginning at 9:30 a.m. EDT at the Court of Federal Claims, the hearing will instead begin at 9:00 a.m. EDT at Securities and Exchange Commission headquarters, Hearing Room 2, 100 F St. NE, Washington, D.C. 20549.
- 2) The hearing is expected to last approximately one week, and each day it will begin at 9:00 a.m. and continue until approximately 6:00 p.m.
- 3) At the parties' request, non-party witnesses will be excluded from the courtroom so that they cannot hear other witnesses' testimony.¹
- 4) Each party may make a 10 to 15 minute opening statement, but is not required to do so.
- 5) The parties shall provide me with a paper copy of their final exhibit lists on the first day of the hearing. I will issue an order regarding the filing of exhibits after the hearing concludes.

¹ See *Schild Mgmt. Co.*, Securities Exchange Act of 1934 Release No. 53201, 2006 WL 231642, at *8 & n.44 (Jan. 31, 2006); cf. Fed. R. Evid. 615.

- 6) Gibson objects to the authenticity of Division Exhibit 183, a purported phone conversation between Gibson and another person. I will rule on the objection at the hearing. At the start of the hearing on July 29, 2019, each party should submit a letter brief, of no more than five pages, explaining the party's position regarding the admission of Division Exhibit 183.
- 7) The parties have already stipulated as to when they intend to call one witness, James Hull, and as to how they intend to elicit his testimony. They are free to do the same with other witnesses. The parties agree to give each other two days advance notice of when they intend to call any witness.
- 8) The parties shall exchange updated exhibit lists by July 26.

James E. Grimes
Administrative Law Judge