

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1643/July 22, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15918

In the Matter of

DENNIS J. MALOUF

ORDER SETTING PREHEARING
SCHEDULE

The Securities and Exchange Commission (Commission) commenced this proceeding on June 9, 2014, with an Order Instituting Administrative and Cease-and-Desist Proceedings (OIP) pursuant to Section 8A of the Securities Act of 1933; Sections 15(b), 15C(c), and 21C of the Securities Exchange Act of 1934; Sections 203(f) and 203(k) of the Investment Advisers Act of 1940; and Section 9(b) of the Investment Company Act of 1940.

A telephonic prehearing conference was held yesterday, attended by counsel for the Division of Enforcement and Respondent. At the prehearing conference, counsel for Respondent agreed that service of the OIP was effected on June 12, 2014, and waived the statutory right to a hearing occurring between thirty and sixty days after service of the OIP. See 15 U.S.C. §§ 77h-1(b), 78u-3(b), 80b-3(k)(2). The following procedural schedule was established:

- October 6, 2014: The parties shall exchange and file (and provide this Office with) witness lists and exhibits lists, and shall exchange (but should not file or submit to this Office) pre-marked exhibits;
- October 10, 2014: The parties shall exchange and file (and provide this Office with) expert reports;
- October 17, 2014: The parties shall file prehearing briefs,¹ any motions in limine, any rebuttal expert reports, and any objections to exhibits and witnesses;

¹ The parties shall file prehearing briefs in lieu of giving opening statements at the hearing.

October 24, 2014: The parties shall file any written stipulations and participate in a final telephonic prehearing conference at 1:00 p.m. EDT;

October 29, 2014: The parties shall file any oppositions to motions in limine; and

November 3, 2014: The hearing will commence at a location to be determined in Albuquerque, New Mexico.

The parties are reminded that they must file hard copies of all filings with the Office of the Secretary, but are also encouraged to send each other – and this Office, when applicable – electronic copies, via e-mail, of materials to be filed.

Cameron Elliot
Administrative Law Judge