

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1675/August 6, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15943

In the Matter of

DAVID J. MONTANINO

ORDER SETTING PREHEARING
SCHEDULE

On June 24, 2014, the Securities and Exchange Commission instituted this proceeding against David J. Montanino, with an Order Instituting Administrative and Cease-and-Desist Proceedings (OIP) pursuant to Section 8A of the Securities Act of 1933, Section 21C of the Securities Exchange Act of 1934, Sections 203(f) and (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 on August 5, 2014, attended by the Division of Enforcement and Mr. Montanino. At the prehearing conference, Mr. Montanino waived his right to a hearing between thirty and sixty days after service of the OIP under Securities Act Section 8A, Exchange Act Section 21C, and Advisers Act Section 203(k). See 15 U.S.C. §§ 77h-1(b), 78u-3(b), 80b-3(k)(2). The following procedural schedule was established:

- October 7, 2014: The parties shall exchange and file (and provide this Office with) witness lists and expert reports, and shall exchange and file (but should not submit to this Office prior to the hearing) exhibit lists.
- October 14, 2014: The parties shall exchange (but should not file or submit to this Office) pre-marked exhibits.
- October 20, 2014: The parties shall file prehearing briefs, any motions in limine, and any objections to exhibits and witnesses.
- October 29, 2014: The parties shall file any written stipulations and participate in a final telephonic prehearing conference at 10:30 a.m. EDT.
- November 3, 2014: The hearing will commence at 9:30 a.m. EST at a location to be determined in New York, New York.

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 the Office of Administrative Law Judges, when applicable—electronic copies, via e-mail, of materials to be filed and exchanged.

SO ORDERED

James E. Grimes
Administrative Law Judge