

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3502 / January 13, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-16155

In the Matter of

NICHOLAS ROWE

ORDER REGARDING MOTION TO COMPEL

The hearing in this matter is scheduled to commence on February 1, 2016. Pending before me are several prehearing motions, including Nicholas Rowe's motion to compel certain parties to produce subpoenaed information. In that motion, Rowe represents: "The only documents received from any of the above named individuals are emails from Bruce Gabriel. Nothing further has been provided." In an omnibus opposition, counsel for the subpoena recipients represents that his clients "produced all responsive documents . . ." The opposition provides no specifics about such production.

On the present papers, I am unable to make a determination. I therefore ORDER as follows:

By January 15, 2016, the subpoena recipients and/or their counsel shall make a proffer by way of declaration(s) itemizing the documents or categories of documents that each subpoena recipient has provided to Rowe, and what steps each the subpoena recipient took to comply with the documentary subpoenas.

By January 20, 2016, Rowe may submit a reply.

Jason S. Patil
Administrative Law Judge