

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 953/October 11, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15263

In the Matter of	:	
	:	
ZPR INVESTMENT MANAGEMENT, INC., and	:	ORDER
MAX E. ZAVANELLI	:	
	:	

The Securities and Exchange Commission instituted this proceeding on April 4, 2013, pursuant to Sections 203(e), 203(f), and 203(k) of the Investment Advisers Act of 1940 and Section 9(b) of the Investment Company Act of 1940 against ZPR Investment Management, Inc. (ZPR), and Max E. Zavanelli. The hearing in this matter commenced on Monday, September 30, 2013, and recessed on October 1, 2013, until Tuesday, October 15, 2013.

On October 1, 2013, I issued a subpoena requested by the Division of Enforcement (Division), which was served on Respondents' counsel in open court. The subpoena was directed to ZPR, and demanded production of, among other items, all communications to or from six ZPR employees from January 1, 2008 to the present.

Today ZPR filed a Motion for Temporary Relief From Compliance With Trial Subpoena (Motion). ZPR represents that its production pursuant to the subpoena is incomplete but already comprises approximately 860,000 pages of documents. Motion at 2. ZPR argues that compliance with the subpoena has been so burdensome that it has been unable to prepare for the hearing, and will continue to be unable to prepare between now and the time the hearing restarts. Id.

Although I recognize that the Division has not been heard on the Motion, any prejudice to the Division from granting the requested relief is surely outweighed by the substantial and irreparable prejudice ZPR can expect to suffer if its Motion is not granted. Accordingly, I GRANT the Motion and order that compliance with the subpoena is stayed pending recommencement of the hearing. This matter will be taken up further once the hearing reconvenes.

SO ORDERED.

Cameron Elliot
Administrative Law Judge