

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1003/October 28, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15514

In the Matter of

DONALD J. ANTHONY, JR.,
FRANK H. CHIAPPONE,
RICHARD D. FELDMANN,
WILLIAM P. GAMELLO,
ANDREW G. GUZZETTI,
WILLIAM F. LEX,
THOMAS E. LIVINGSTON,
BRIAN T. MAYER,
PHILIP S. RABINOVICH, AND
RYAN C. ROGERS

ORDER SETTING PREHEARING
SCHEDULE

The Securities and Exchange Commission (Commission) instituted this proceeding on September 23, 2013, pursuant to Section 8A of the Securities Act of 1933 (Securities Act), Sections 15(b) and 21C of the Securities Exchange Act of 1934 (Exchange Act), Section 203(f) of the Investment Advisers Act of 1940, and Section 9(b) of the Investment Company Act of 1940, against Donald J. Anthony, Jr. (Anthony), Frank H. Chiappone (Chiappone), Richard D. Feldmann (Feldmann), William P. Gamello (Gamello), Andrew G. Guzzetti (Guzzetti), William F. Lex (Lex), Thomas E. Livingston (Livingston), Brian T. Mayer (Mayer), Philip S. Rabinovich (Rabinovich), and Ryan C. Rogers (Rogers) (collectively, Respondents).

A telephonic prehearing conference was held today, and attended by the Division of Enforcement and by all Respondents, with the exception of Anthony.¹ Chiappone, Gamello, Guzzetti, Lex, Livingston, Mayer, Rabinovich, and Rogers attended the prehearing conference through their respective counsel; Feldmann appeared pro se.

¹ As of today, Anthony had not yet been served with the Order Instituting Administrative and Cease-and-Desist Proceedings (OIP). Anthony's Answer will be due within twenty days after service of the OIP on him. See OIP at 15; 17 C.F.R. § 201.220(b). All other Respondents' Answers are due on November 18, 2013. See Donald J. Anthony, Jr., Admin. Proc. Rulings Release No. 951 (Oct. 9, 2013).

At the prehearing conference, all participating Respondents waived their right to a hearing occurring between thirty and sixty days after service of notice under the relevant provisions of the Securities Act and Exchange Act. See 15 U.S.C. § 77h-1(b) (regarding cease-and-desist proceedings under Securities Act Section 8A); 15 U.S.C. § 78u-3(b) (regarding cease-and-desist proceedings under Exchange Act Section 21C). The following procedural schedule was established:

- November 18, 2013: The parties shall file any motions for a more definite statement;
- January 6, 2014: The parties shall exchange and file (and provide this Office with) witness lists, exhibits lists, and expert reports, and shall exchange (but should not file) pre-marked exhibits;
- January 13, 2014: The parties shall file prehearing briefs, any motions in limine, and any objections to exhibits and witnesses;
- January 21, 2014: The parties shall file any written stipulations and participate in a final telephonic prehearing conference at 9:30 a.m. EST;
- January 27, 2014: The hearing will commence at Hearing Room 2, Commission Headquarters Offices, 100 F Street, NE, Washington, D.C. 20549.

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.

Cameron Elliot
Administrative Law Judge