

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1929/October 21, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-16165

In the Matter of

DAVID SCOTT CACCHIONE

ORDER

The parties filed a joint prehearing conference statement, pursuant to my October 8, 2014, order, on October 17, 2014. In that joint statement, the Division of Enforcement notes that proceedings under Section 203(f) of the Investment Advisers Act of 1940 are typically decided by summary disposition pursuant to Rule 250 of the Commission's Rules of Practice, 17 C.F.R. § 250. *E.g.*, *Gary M. Kornman*, Exchange Act Release No. 59403, 2009 SEC LEXIS 367 (Feb. 13, 2009), *pet. denied*, 592 F.3d 173 (D.C. Cir. 2010). Because summary disposition appears appropriate here,¹ a hearing will not be scheduled at this time, and I ORDER the following schedule for any motions for summary disposition:

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| November 10, 2014: | Motions for summary disposition are due. |
| November 24, 2014: | Oppositions to motions for summary disposition are due. |
| December 3, 2014: | Reply briefs in support of motions for summary disposition are due. |

The parties' joint statement reflects that the prehearing conference requirement of Rule 221, 17 C.F.R. § 221, has been satisfied. If a party believes that a prehearing conference with the hearing officer is necessary, the party may file a motion requesting a prehearing conference.

Jason S. Patil
Administrative Law Judge

¹ Respondent filed his answer to the Order Instituting Administrative Proceedings on October 20, 2014.