

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 2107/December 8, 2014

ADMINISTRATIVE PROCEEDING  
File No. 3-16213

In the Matter of

DAVID G. DERRICK, SR.

PREHEARING SCHEDULING ORDER

In response to my November 24, 2014, prehearing order, the parties held a prehearing conference to discuss the items in Commission Rule of Practice 221(c). *See David G. Derrick Admin. Proc. Rulings Release No. 2048, 2014 SEC LEXIS 4451.* The parties submitted a Joint Prehearing Conference Statement today, stipulating to procedural dates and to a hearing beginning April 20, 2015.<sup>1</sup>

The following stipulated procedural dates, as modified, are ordered:

- February 13, 2015: Motions for summary disposition, if either party wishes to file one, are due.
- February 27, 2015: Oppositions to motions for summary disposition are due.
- March 6, 2015: Stipulations of facts and stipulations as to the authenticity and admissibility of documents are due.
- March 9, 2015: Replies to motions for summary disposition are due.
- March 30, 2015: The parties shall exchange and file (and provide this Office with) witness lists and expert witness disclosures, together with other information required by Commission Rule of Practice 222(b), 17 C.F.R. § 201.222(b); The parties shall exchange and file (and

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<sup>1</sup> I construe this stipulation as a waiver of Respondent's right to a hearing between thirty and sixty days after service of the OIP under Section 8A of the Securities Act of 1933 and Section 21C of the Securities Exchange Act of 1934. *See* 15 U.S.C §§ 77h-1(b), 78u-3(b).

provide this Office with) exhibit lists, and shall exchange (but not file) pre-marked exhibits; Prehearing briefs are due.

- April 10, 2015: Any motions in limine, and any objections to exhibits and witnesses are due.
- April 13, 2015: The parties shall participate in a final telephonic prehearing conference at 11:30 a.m. EDT.
- April 20, 2015: The hearing will commence in Salt Lake City, Utah, at a venue to be determined.<sup>2</sup>

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 at [alj@sec.gov](mailto:alj@sec.gov), when applicable – electronic copies, via e-mail, of materials to be filed and exchanged.

SO ORDERED.

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Jason S. Patil  
Administrative Law Judge

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<sup>2</sup> After the close of evidence at the hearing, the parties, in the presence of the hearing officer, will undertake a good faith effort of up to one day to stipulate to all facts and legal principles over which there does not appear to be any genuine dispute. Each party will be expected to exchange, in advance of this process, a list of all such prospective stipulations.