

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3485 / January 11, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-16155

In the Matter of

NICHOLAS ROWE

ORDER SETTING BRIEFING SCHEDULE ON
PREHEARING MOTIONS

The hearing in this matter is scheduled to commence on February 1, 2016. The Division of Enforcement has submitted a renewed motion to introduce prior sworn testimony and motion in limine to exclude an expert report. Nicholas Rowe has submitted a motion to amend witness list, motion for reconsideration, motion to remove witnesses or exclude witness testimony, motion in limine to assert common-law spousal privilege, motion to clarify scope of trial, and motion to compel certain parties to produce subpoenaed information.

I direct the following briefing schedule:

January 15, 2016: Oppositions are due. The parties are asked to file a consolidated opposition.

January 20, 2016: Replies are due.

The Division has already submitted an opposition to Rowe's motion in limine to assert common-law spousal privilege, and I direct Rowe's reply due by January 15, 2016. The subpoena recipients who are the subject of Rowe's motion to compel shall file an opposition in accordance with the above schedule, and their counsel shall file a notice of appearance in accordance with Rule of Practice 102, 17 C.F.R. § 201.102.

All filings shall be made with the Commission's Office of the Secretary, pursuant to Rules of Practice 151 and 152. *See* 17 C.F.R. §§ 201.151, .152. Further instructions about filings are located online at <http://www.sec.gov/alj/alj-instructions-for-respondents.pdf>. In addition to the required filing with the Office of the Secretary, electronic courtesy copies of filings should be emailed to alj@sec.gov in both PDF text-searchable format and, when possible, Microsoft Word format.

Rowe shall serve this order on the subpoena recipients who are the subject of his motion to compel and their counsel.

Jason S. Patil
Administrative Law Judge