

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

Administrative Proceedings Rulings
Release No. 6327 / November 15, 2018

Administrative Proceeding
File No. 3-17352

In the Matter of

**Saving2Retire, LLC, and
Marian P. Young**

**Order Following
Respondent's Inquiry**

At a prehearing conference on November 7, 2018, I advised Respondent Marian P. Young, who appears pro se, to contact my office if she had any questions. On November 9, 2018, Young emailed my office the following:

I need clarification on the documents discussed:

1. Since the transcripts from the hearing references the directive to target firms like Saving2Retire, this document is in the record and is available to me. Is this correct?
2. If the transcript from the deposition references the investigative report via Marshall Gandy concerning my examination by Division, the document can be requested without discovery. Is this correct?

I want to clarify I do not wish to relinquish my intent to retrieve these documents.

In my order summarizing what occurred at the prehearing, I noted that the parties agreed that “[t]he transcript of the hearing held on May 16, 2018, the exhibits previously admitted into evidence, and any evidence submitted with the parties’ prior motions for summary disposition will be evidence in this proceeding.” *Saving2Retire, LLC*, Admin. Proc. Rulings Release No. 6309, 2018 SEC LEXIS 3125 (ALJ Nov. 7, 2018). The parties also appeared to agree that they did not want further discovery. *Id.*

Ruling

At the prehearing, Young said that a Division of Enforcement witness mentioned a directive to target firms like Saving2Retire, LLC. She also mentioned an investigative report prepared by the Division about her examination. I have not reviewed the materials the parties agree are part of the record, but it would appear that this directive and investigative report, if they exist, are not currently part of the record.¹ Therefore, if Young wants these documents, she would need to request them through discovery.

Young's email indicates that she did not intend to waive her right to further discovery. Accordingly, I VACATE the procedural schedule I entered following the prehearing, and ORDER that by Monday, November 26, 2018, Young request from the Division the documents she seeks. Young is free to seek any documents she thinks helpful to her position that are relevant to the proceeding. She can do so by subpoena under Rule 232 or by interrogatory—the asking of specific written questions to which the Division would provide written answers. *See* 17 C.F.R. §§ 201.111, .232. The Division shall respond to Young's request by Monday, December 3.

Finally, Young needs to copy the Division on any further communications with my office. I have sent a copy of her November 9, 2018, email to the Division.

Brenda P. Murray
Chief Administrative Law Judge

¹ The parties agreed that the transcript of the hearing previously held in this proceeding would be part of the new record; it is also possible that the deposition Young refers to is part of that previous record. However, Young's questions indicate that the documents she is requesting are mentioned in the existing record but are not themselves part of that record.