

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

Administrative Proceedings Rulings
Release No. 6465 / February 19, 2019

Administrative Proceeding
File No. 3-17950

In the Matter of

David Pruitt, CPA

Revised Scheduling Order

The hearing in this proceeding had been scheduled to commence on June 3, 2019. However, since the previous scheduling order was issued, the Securities and Exchange Commission furloughed its employees due to a lapse in funding and all administrative proceedings were stayed from January 16 until January 30, 2019.¹ The parties have now submitted separate proposed schedules after conferring but failing to come to an agreement.

In light of (1) the delay caused by the lapse in appropriations, (2) the rescheduling of depositions that were to take place during the lapse, (3) other obligations of counsel and expert witnesses that were scheduled for late summer when the hearing was set for early June, and (4) my own availability, I ORDER the following schedule:

March 1, 2019: Disclose expert witnesses.

April 12, 2019: Exchange and file expert reports, if any.

April 19, 2019: Deadline for requests under Rule of Practice 232 for deposition subpoenas and for subpoenas to produce documents.

May 24, 2019: Deadline for fact depositions.

¹ *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10602, 2019 SEC LEXIS 5; *Pending Admin. Proc.*, Securities Act Release No. 10603, 2019 SEC LEXIS 37.

- Exchange rebuttal expert reports.
- May 31, 2019: Produce any previously undisclosed materials in the investigatory file under Rule of Practice 230.
- June 14, 2019: Deadline for expert depositions.
- July 3, 2019: File Rule 250 motions, which must be accompanied by a motion for leave to file the motion for summary disposition.
- July 26, 2019: File oppositions to Rule 250 motions.
- August 2, 2019: File replies to Rule 250 motions.
- August 16, 2019: Exchange and file witness and exhibit lists.
- August 23, 2019: File motions in limine, including objections to witness and exhibit lists.
- File stipulations, admissions of fact, and requests for official notice.
- Deadline for requests under Rule 232 for subpoenas requiring the attendance and testimony of a witness at the hearing.
- September 6, 2019: File oppositions to motions in limine.
- September 13, 2019: File replies to motions in limine.
- September 20, 2019: File prehearing briefs.
- September 25, 2019: Exchange premarked exhibits and final witness lists.
- Deadline to amend witness lists.
- September 27, 2019: Final telephonic prehearing conference at 11:00 a.m. EDT.
- October 2, 2019: The hearing will begin at 9:30 a.m. at a location to be determined in New York.

The hearing guidelines described in the May 26, 2017, order remain in effect.

James E. Grimes
Administrative Law Judge