

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

Administrative Proceedings Rulings
Release No. 6471 / February 28, 2019

Administrative Proceeding
File No. 3-16509

In the Matter of

**Edward M. Daspin, a/k/a
“Edward (Ed) Michael”,
Luigi Agostini, and
Lawrence R. Lux**

**Notice of Hearing Location and
Order Denying Motion**

Hearing Location

The hearing in this proceeding will begin on April 15, 2019, at 9:00 a.m. EDT in Courtroom 238, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278.

Motion

Edward M. Daspin submitted a filing dated February 15, 2019. On February 22, 2019, the Division of Enforcement responded to the filing to the extent it found it applied to me and not the Securities and Exchange Commission, to which it made a separate filing.

Daspin’s February 15 filing has a section headed “Documents from the Division” with paragraphs A through Q. But Daspin has not submitted any subpoena requests for these materials.¹ Insofar as Daspin’s filing can be

¹ On February 27, 2019, Daspin submitted a motion for, among other requests, an extension of time to request subpoenas and modification of the subpoenas issued to him and his wife. *See* 17 C.F.R. §§ 201.161(a), .232(e). It is unclear exactly when the motion was served on the Division, but it appears that there is still time to respond. *See* 17 C.F.R. §§ 201.154(b), .232(e)(1).

construed as a motion to compel production, it is therefore DENIED. *Accord Edward M. Daspin*, Admin. Proc. Rulings Release No. 6441, 2019 SEC LEXIS 114, at *8 (ALJ Feb. 6, 2019) (denying, as “premature,” the Division’s request that I compel production of Daspin’s medical records when the Division had not requested subpoenas for those records).²

Brenda P. Murray
Chief Administrative Law Judge

² I observe that Daspin has received or will soon receive much of the material in his requests. The Division has represented that it has provided Daspin with material required under the Commission’s rules of practice. These include the investigative record and any *Brady* or Jencks Act material. *See* 17 C.F.R. §§ 201.222, .230(a), (b)(3), .231. And under the procedural schedule, Daspin will receive any expert witness reports more than a month before the start of the hearing. *See Edward M. Daspin*, 2019 SEC LEXIS 114, at *5.