

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

Administrative Proceedings Rulings
Release No. 6538 / April 10, 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**

Final Prehearing Order

This proceeding began when the Securities and Exchange Commission issued an order instituting proceedings on April 23, 2015. The public hearing is scheduled to begin on Monday, 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. *Edward M. Daspin*, Admin. Proc. Rulings Release No. 6471, 2019 SEC LEXIS 273, at *1 (ALJ Feb. 28, 2019) (setting hearing location); *Edward M. Daspin*, Admin. Proc. Rulings Release No. 6441, 2019 SEC LEXIS 114, at *5 (ALJ Feb. 6, 2019) (setting hearing date and time).

On April 5, 2019, following the revised procedural schedule ordered on February 6, 2019, the Division of Enforcement filed a prehearing memorandum, a motion for evidentiary sanctions, and a request for official notice. *See Daspin*, 2019 SEC LEXIS 114, at *5.

Daspin submitted a twelve-page filing on April 8, 2019, titled “Final contempt response” that mainly asserts facts but, in addition, asks for directions to the courthouse, requests that the hearing begin at 10:30 a.m. because of traffic, and states that Daspin will rely on the Division for witnesses and copies of exhibits.

Ruling

I will defer ruling on the Division’s motion and request because Daspin has five business days after service to file any briefs in opposition. 17 C.F.R.

§§ 201.154(b), .160(a). I will resolve any pending motions, stipulations, and requests for official notice at the start of the hearing. *See Edward M. Daspin*, Admin. Proc. Rulings Release No. 6342, 2018 SEC LEXIS 3260, at *4 (ALJ Nov. 19, 2018).

With respect to Daspin's first request, there are many online sites that will provide door-to-door directions for getting to the Javits Federal Building using a range of transportation options, including cars and public transportation.

Second, I expect that witnesses have been scheduled based on the time and place of the hearing that were set months ago. It is too late to change those arrangements as the hearing begins in less than a week. The hearing will begin as scheduled at 9:00 a.m. EDT. *Daspin*, 2019 SEC LEXIS 273, at *1; *Daspin*, 2019 SEC LEXIS 114, at *5. Each party is responsible for its participation.

Brenda P. Murray
Chief Administrative Law Judge