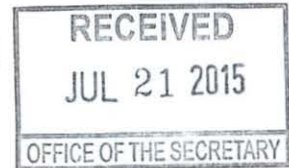


UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

HARD COPY



ADMINISTRATIVE PROCEEDING
File No. 3-15514

In the Matter of

**DONALD J. ANTHONY, JR.,
FRANK H. CIAPPONE,
RICHARD D. FELDMANN,
WILLIAM P. GAMELLO,
ANDREW G. GUZZETTI,
WILLIAM F. LEX,
THOMAS E. LIVINGSTON,
BRIAN T. MAYER,
PHILIP S. RABINOVICH, and
RYAN C. ROGERS,**

Respondents.

**RESPONDENT
THOMAS E. LIVINGSTON'S
MOTION FOR ORAL ARGUMENT**


Pursuant to Rule 451 of the Securities and Exchange Commission's Rules of Practice, Respondent Thomas E. Livingston ("Livingston") respectfully submits this motion for oral argument before the Commission in this matter. Rule 451 provides that oral argument is appropriate where "the presentation of facts and legal arguments in the briefs and record and the decisional process would be significantly aided by oral argument." 17 C.F.R. § 201.451(a). Rule 451 further provides that "[m] otions for oral argument with respect to whether to affirm all or part of an initial decision by a hearing officer shall be granted unless exceptional circumstances make oral argument impractical or inadvisable." *Id.*

As set forth in the Joint Brief Addressing Certain Legal Issues In Accordance With The Commission's Order, and Thomas E. Livingston's Individual Brief, this was a complex case with a number of significant legal issues. It involved the conduct of numerous Respondents over the course of at least seven years, and the hearing itself spanned nearly one month and included

more than 500 exhibits. There is no question that oral argument would significantly aid the decisional process here by ensuring that Livingston addresses any questions or concerns that the Commission may have regarding the facts of this case and the significant legal issues implicated by these facts.

For these reasons, Livingston respectfully requests that his Motion for Oral Argument be granted.

Dated: July 20, 2015

By: 

Matthew G. Nielsen
Crystal L. Jamison
ANDREWS KURTH LLP
1717 Main Street, Suite 3700
Dallas, Texas 75201
Telephone: (214) 659-4400
Facsimile (214) 659-4401

**ATTORNEYS FOR RESPONDENT
THOMAS E. LIVINGSTON**

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I filed the foregoing motion with the Office of the Secretary of the Commission via facsimile at (703) 813-9793, and served copies on the following persons via regular mail and email, except where otherwise indicated.

David Stoelting, Esquire
Haimavathi V. Marlier, Esquire
Michael D. Birnbaum, Esquire
U.S. Securities and Exchange Commission
Division of Enforcement
Three World Financial Center
New York, NY 10281
stoeltingd@sec.gov
marlierh@sec.gov
birnbaumm@sec.gov

Hon. Brenda Murray
Chief Administrative Law Judge
Securities and Exchange Commission
100 F Street, NE
Washington, D.C. 20545-2557
alj@sec.gov

Roland M. Cavalier, Esquire
Tuczinski, Cavalier & Gilchrist, P.C.
54 State Street
Suite 803
Albany, NY 12207
RCavalier@tcglegal.com

Mark J. Astarita, Esquire
Sallah, Astarita & Cox LLC
60 Pompton Avenue
Verona, NJ 07044
mja@sallahlaw.com

Counsel for Respondent Frank H. Chiappone

Counsel for Respondent Andrew G. Guzzetti

Gilbert B. Abramson, Esquire
One Presidential Boulevard, Suite 315
Bala Cynwyd, PA 19004
(610) 664-5700
(610) 664-5770 (Fax)
gabramson@gbalaw.com

M. William Munno, Esquire
Brian P. Maloney, Esquire
Seward & Kissell LLP
One Battery Park Plaza
New York, NY 10004
munno@sewkis.com
maloney@sewkis.com

Counsel for Respondent William F. Lex

*Counsel for Respondent Philip S. Rabvinovich
and Bryan T. Mayer*

Date: July 20, 2015

By: 
Matthew G. Nielsen