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UNITED STATES OF AMERICA

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Before the

SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

APR 01 2016

Administrative
Law Judges



MARCH 31, 2016

ADMINISTRATIVE PROCEEDING

File No. 3-15764

In the Matter of

GARY L. MCDUFF,
Respondent

**RESPONDENT'S DECLARATION
FOR MOTION FOR PRE-TRIAL
HEARING SCOPE DECISION**

I, Gary L. McDuff, hereby declare:

1. Unless I am misreading the OIP, I believe it orders a public hearing wherein I can defend to all of the allegations stated in Part II thereof and does not limit me to a single broker-dealer issue as this Court has opined and the Division apparently takes for granted.

2. If indeed I have such right, I hereby demand that it be afforded me without limitation and that it be fully public as Constitutionally and statutorily required.

3. If I am granted my full right to defend all of the changes I will be required to subpoena 6 witnesses from abroad, 4 incarcerated witnesses, 9 government witnesses, and 15 other civilians, some from different states.

4. My best estimate of the number of non-cumulative witnesses that I will be required to call to properly defend are therefore 35 which in an ideal setting their testimony would take 2-3

weeks to present but double or triple that time if done at FCC Beaumont Low as suggested by the Division.

6. Unless this Court rules on this motion now, instead of immediately before the hearing, I will be irreparably prejudiced because I cannot justify subpoena issuances to my non-broker/dealer issue and sanctions-witnesses nor can my objections to the Division's request that this hearing be video-held at FCC Beaumont be time-estimate-overcome.

7. Moreover, if the hearing is held at FCC Beaumont I not only will be prejudiced by the broker/dealer limitation, but will further be severely handicap by the natural limitations of incarceration and more so to the prejudice of my demanded right to a public hearing.

I declare under penalty of perjury the foregoing is true and correct.

Dated: March 31, 2016

Respectfully submitted,



GARY L. MCDUFF
Declarant