



UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING

File No. 3-16155

In the Matter of

Nicholas B. Rowe,

Respondent.

**RESPONDENT'S**  
**REPLY TO DECLARATION OF STEVEN FULLER, ESQ IN RESPONSE TO ORDER**  
**REGARDING MOTION TO COMPEL SUBPOENA RECIPIENTS TO PRODUCE**  
**SUBPOENAED DOCUMENTS**

Nicholas Rowe (“Respondent”) replies to the Declaration of Steven Fuller in Response to Order Regarding Motion to Compel Subpoena Recipients to Produce Subpoenaed Documents.

**Respondent Has Not Received Information Concerning Prior Disputes**

The Court previously stated in its Order on Motion to Quash that “Rowe is entitled to gather impeachment material on witnesses who may testify against him. Whether these individuals were involved in such disputes or litigations—and the basis and result of such actions—goes to their credibility in making allegations against Rowe. Rowe has affirmatively identified certain advisers who had claims brought against them, so his contention does not appear unsupported.” To date, Respondent has not received any information concerning these prior disputes.

### **The Declarations are Insufficient**

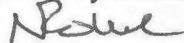
The Court required a detail of “what steps each subpoena recipient took to comply with the documentary subpoenas.” The declarations made by each recipient merely state that they reviewed their files and emails and found no responsive documents. Only Frances Straccia detailed her efforts to find responsive documents and offered reasons as to why none were available.

### **Conclusion**

For the reasons set forth above, Respondent requests that the court

- a) Grant Respondent’s Motion to Compel;
- b) Hold a show cause hearing as to why Steven Fuller and his clients should not be held in contempt; and
- c) Grant any other relief as is just and fair.

Respectfully submitted,



/s/ Nicholas Rowe

Nicholas Rowe, Respondent



Date: January 19, 2016

### **Certificate of Service**

I certify that on January 19, 2016, I caused true and correct copies of the foregoing **Respondent’s Motion to Compel Certain Parties to Produce Subpoenaed Information** to be served on the following parties and other persons entitled to notice to the following addresses:

Honorable Jason S. Patil  
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Securities and Exchange Commission

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/s/ Nicholas Rowe  
Nicholas Rowe, Respondent