## HARD COPY

## UNITED STATES OF AMERICA Before the SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING File No. 3-16165	JAN 03 201.
	OFFICE OF THE SECRETA .
In the Matter of	
DAVID SCOTT CACCHIONE,	MOTION TO ADJOURN HEARING DATES
Respondent.	:     Administrative Law Judge     Jason Patil
	• •
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	X

Pursuant to Rule 161 of the Rules of Practice of the Securities & Exchange Commission, Respondent David Scott Cacchione ("Mr. Cacchione" or "Respondent"), respectfully submits this motion to adjourn the current hearing dates in this matter, currently scheduled for February 18, 19 and 20, 2015 in San Francisco, CA.

Respondent's co-counsel, Mauricio Beugelmans has a direct conflict with the scheduled hearing dates, as he is counsel on a JAMS arbitration hearing previously scheduled for February 17-19, 2015 in New York, NY before Judge Bernard J. Fried (ret.). In addition to being co-counsel for Respondent, Mr. Beugelmans may be a witness at the hearing in this matter on the issue of "the nature and extent of discussions between counsel" for Respondent and the Division. Thus, Respondent would be severely prejudiced if an adjournment of the current hearing dates was not granted.

Respondent has consulted with the Division on mutually agreeable alternate hearing

dates. Based on these discussions, Respondent proposes adjourning the hearing in this matter to

February 23 and 24, 2015 in San Francisco, California. In addition, if additional time is needed

for the hearing, Respondent proposes the morning of March 2, 2015 in San Francisco be utilized.

The Division of Enforcement has agreed not to object to these proposed replacement dates. In

addition, the Division has informed Respondent that the parties in the administrative hearing

currently scheduled before Judge Patil on March 2, 2015 (In the Matter of Sean C. Cooper, AP

File No. 3-16130) do not object to starting that hearing in San Francisco after lunch on Monday

March 2, 2015, in order to accommodate the scheduling change.

In the event the law judge has a conflict with these proposed replacement dates,

Respondent respectfully requests that the law judge order and schedule a telephonic pre-hearing

conference with counsel in order to select different alternative hearing dates.

Accordingly, Respondent respectfully requests that the hearing in this matter be

adjourned to February 23, 24 and the morning of March 2, 2015 in San Francisco, or, if the law

judge has a conflict with any of these dates, that a pre-hearing conference be scheduled with

counsel in order to select different alternative hearing dates.

Respectfully submitted,

BEUGELMANS, PLLC

Dated: January 7, 2015

By:

Mauricio S. Beugelmans

Daren A. Luma

BEUGELMANS, PLLC

80 Broad Street, Suite 1302

New York, NY 10004

(646) 350-0050 (phone)

(646) 304-6897 (fax)

mbeugelmans@beugelmans.com

dluma@beugelmans.com

## BEUGELMANS, PLLC

New York I San Francisco Attorneys 80 Broad Street, Suite 1302 New York, NY 10004 T. (646) 350-0050 F. (646) 304-6897 www.beugelmans.com

Direct Dial: (646) 350-0051 Email: dluma@beugelmans.com

January 7, 2015

**<u>Via Overnight Courier and Facsimile</u>** (202) 772-9324

Brent J. Fields Secretary U.S. Securities and Exchange Commission 100 F Street, NE Washington, DC 20549

RE: <u>In the Matter of David Scott Cacchione</u>, Administrative Proceeding File No. 3-16165

Dear Mr. Fields:

Pursuant to the above-captioned matter, enclosed is one (1) original and three (3) copies of Respondent David Scott Cacchione's Motion to Adjourn Hearing Dates.

The Motion was also contemporaneously submitted via facsimile transmission at the number listed above.

Sincerely,

Daren A. Luma

cc: overnight courier and facsimile (415) 705-2501

Samantha J. Choe, Esq.
Division of Enforcement
U.S. Securities & Exchange Commission
44 Montgomery Street, Suite 2800
San Francisco, CA 94104

cc: via electronic mail and overnight courier alj@sec.gov

Honorable Jason Patil Administrative Law Judge U.S. Securities and Exchange Commission 100 F Street, NE Washington, DC 20549