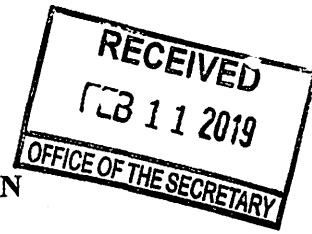


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**BEFORE THE
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C.**



In the Matter of the Application Of

Daryl Cole

For Review of Action Taken By

FINRA

File No. 3-18879

MR. COLE'S RESPONSE TO FINRA'S MOTION TO EXPEDITE APPEAL OF BART KAPLOW AND STAY THE PROCEEDINGS IN MR. COLE'S PENDING APPEAL

DARYL COLE, by and through counsel, hereby submits his response to FINRA's Motion to Expedite Appeal of Bart Kaplow and Stay the Proceedings in the Other Pending Arbitration Expungement Appeals ("FINRA's Motion), filed January 31, 2019. As grounds:

1. In FINRA's Motion, they requested to: "1. Expedite consideration of the parties' arguments on the issue of jurisdiction in Bart Steven Kaplow (File No. 3-18877; and 2. Stay all briefing and further proceedings in the other eight Arbitration Expungement Appeals until the Commission issues a decision in the *Kaplow* appeal." See FINRA's Motion.

2. Mr. Cole now timely files his response, pursuant to SEC Rule 154.

3. Mr. Cole takes no position on FINRA's request to expedite the consideration of the parties' arguments on the issue of jurisdiction in Bart Steven Kaplow (File No. 3-18877), as counsel for Mr. Cole – Michael Bessette with HLBS Law – does not represent Mr. Kaplow.

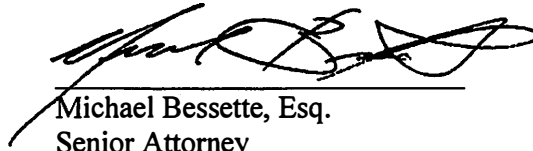
4. Mr. Cole does however, oppose FINRA's request to stay his briefing and further proceedings in his appeal. Contrary to FINRA's claim, granting a stay in Mr. Cole's appeal

pending the resolution of another case will *not* afford Mr. Cole a just and speedy determination, and in fact, will cause the exact opposite result. Granting a stay in Mr. Cole's case extends the time of the existence of the occurrence on his public record and is therefore a continuing harm to his reputation and livelihood. Mr. Cole has a right to a just and speedy determination of his appeal, and granting FINRA's request to stay Mr. Cole's proceeding will violate those rights. See SEC Rule 103(a).

5. Therefore, Mr. Cole respectfully requests that the stay not be granted and that his case move forward as quickly as possible.

Dated: February 4, 2019

Respectfully submitted,



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HLBS Law
9737 Wadsworth Pkwy, Ste. G-100
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CERTIFICATE OF SERVICE

I, Misty Brown, certify that on this 4th day of February 2019, I caused the original and three copies of this Response to FINRA's Motion to Expedite Appeal of Bart Kaplow and Stay the Proceedings in Mr. Cole's Pending Appeal to be served on:

Brent J. Fields, Secretary
Securities and Exchange Commission
100 F St., NE
Room 10915
Washington, DC 20549-1090
Fax: 202-772-9324

[X] (BY FAX) I caused the documents to be sent to the persons at the fax number listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[X] (BY MAIL) I caused the documents to be sent by US Certified Mail to the persons listed above. I did not receive notice or indication from the US Postal Service that the delivery would be unsuccessful.

[X] (STATE) I certify (or declare) under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct.

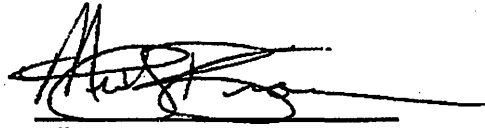
and

Alan Lawhead
Vice President and Director – Appellate Group
FINRA
1735 K Street, NW
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Email: Alan.Lawhead@finra.org

[X] (BY EMAIL) I caused the documents to be sent to the persons at the e-mail address listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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[X] (STATE) I certify (or declare) under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct.



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