

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION



ADMINISTRATIVE PROCEEDING  
File No. 3-15382

In the Matter of  
  
STEVEN A. COHEN,  
  
Respondent.

JOINT STATEMENT

Pursuant to the Court's Order Lifting Stay and Scheduling Prehearing Conference dated December 2, 2015, the Division of Enforcement (the "Division") and Respondent Steven A. Cohen ("Respondent") respectfully submit this joint statement as to the factual status of the proceeding and suggested procedures to move toward resolution.

I. Factual Status

THE DIVISION'S STATEMENT: The Commission's Corrected Order Instituting Administrative Proceedings (the "OIP"), dated July 19, 2013, alleges that Respondent failed reasonably to supervise two senior employees—Mathew Martoma and Michael Steinberg—who engaged in insider trading. After the Commission instituted this proceeding, federal juries found Martoma and Steinberg guilty of securities fraud and conspiracy to commit securities fraud for *insider trading*. Both Steinberg and Martoma appealed. On October 23, 2015, following the decision of the United States Court of Appeals for the Second Circuit in *United States v. Newman*, 773 F.3d 438 (2d Cir. 2014), *cert. denied*, \_\_ S. Ct. \_\_, 2015 WL 4575840 (Oct. 5, 2015), the U.S. Attorney's Office for the Southern District of New York dismissed the criminal charges against Steinberg. The Division intends to file a motion with the Court to amend the OIP because the Division no longer bases its claim against

Respondent on Respondent's failure to supervise Steinberg. At the hearing, the Division still intends to offer evidence concerning Respondent's supervision of Steinberg to prove Respondent's liability for failing to supervise Martoma and the need for appropriate relief.

THE RESPONDENT'S STATEMENT: Respondent believes the relevant issue is Respondent's supervision of Martoma and reserves the right to move to exclude or limit evidence not directly related to this issue.

## II. Parties' Proposed Schedule

Subject to the Court's approval, the parties agree to begin the hearing on Monday, April 11, 2016, in New York, New York and agree to an Order incorporating the following interim dates:

1. The Division shall begin producing its investigative file by December 23, 2015.
2. The Division shall use its best efforts to produce all non-privileged documents by January 29, 2016.
3. The Division's motion to amend the OIP (which shall include a proposed amended OIP) shall be filed on or by January 4, 2016.
4. Respondent shall file his answer on or by January 14, 2016.
5. Respondent's motion for summary disposition shall be filed on or by January 11, 2016.
6. Division's opposition to Respondent's motion for summary disposition shall be filed on or by February 1, 2016.
7. Respondent's reply memorandum in further support of its motion for summary disposition shall be filed on or by February 15, 2016.
8. The parties shall file witness lists and initial expert witness reports on or by February 15, 2016, or eight weeks before the hearing begins.
9. The parties shall file exhibit lists and exchange exhibits, except demonstrative exhibits, on or by March 7, 2016, or five weeks before the hearing begins.
10. The parties shall file any rebuttal expert witness reports on or by March 14, 2016, or four weeks before the hearing begins.
11. The parties shall file pre-hearing briefs and any motions *in limine* or objections to witnesses or exhibits by March 21, 2016, or three weeks before the hearing begins.

12. The parties shall file oppositions to any motions *in limine* by Monday, March 28, 2016, or two weeks before the hearing begins.
13. The parties shall file any joint stipulations and shall exchange proposed demonstrative exhibits by April 4, 2016, or one week before the hearing begins.

Date:

12/21/2015

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*Counsel for the Division*

**CERTIFICATE OF SERVICE**

I hereby certify that I caused to be served true copies of the foregoing Joint Statement on this 21<sup>st</sup> day of December, 2015, on the following by the specified means of delivery:

**By Facsimile and UPS:**

Brent J. Fields, Secretary  
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**By Email:**

The Honorable Brenda P. Murray  
Chief Administrative Law Judge  
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(Counsel for Respondent)

Dated: December 21, 2015



Charles D. Riely