

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

LEK SECURITIES CORP.
(CRD No. 33135)

and

SAMUEL FREDERIK LEK
(CRD No. 1642936),

Respondents.

Disciplinary Proceeding
No. 2015045312501

Hearing Officer– DRS

ORDER DIRECTING PARTIES TO MEET AND CONFER

On April 22, 2019, the parties filed their respective motions for leave to offer expert testimony. Each party identified one proposed expert witness and the proposed topics on which the witness will testify. According to the motions, the parties conferred and agreed that expert testimony would be helpful to the Hearing Panel and further agreed to the testimony topics. But the parties did not confer about the acceptability of each others' proposed expert.¹

The Case Management and Scheduling Order requires that all motions "include a certification that the moving party has made a reasonable, good-faith effort to meet and confer with the opposing party to informally resolve each issue in the motion. Motions that do not contain this certification may be rejected."² The purpose of the meet-and-confer requirement is to force the parties to attempt to resolve, or at least narrow, the disputed issues to prevent the unnecessary waste of time and effort on any given motion.³

¹ According to Enforcement's motion, "the parties have not previously disclosed the individual experts whose testimony they will seek to offer." Enforcement's Motion for Leave at 1. Respondents' motion for leave does not address this issue.

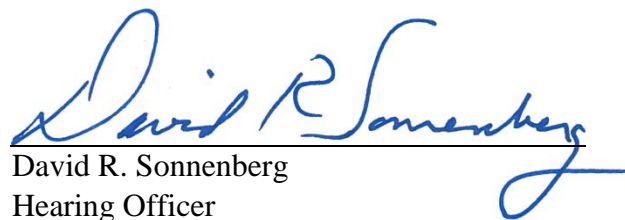
² Case Management and Scheduling Order ("CMSO") at 5, § III, D.

³ See *Alexander v. FBI*, 186 F.R.D. 197, 199 (D.D.C. 1999) (denying motion to compel discovery for failure to meet-and-confer and violation of prior court order regarding discovery and explaining that "[t]he entire purpose of

By not having conferred about the acceptability of each other's proposed expert, the parties have not fully complied with the "meet and confer" requirement. The parties' failure leaves me uninformed about whether either party finds the other party's expert acceptable. Oppositions to motions for leave to offer expert testimony are not due for nearly a month (May 20, 2019). But if either party does not object to the other party's expert, then the motion seeking leave to call that unobjectionable proposed expert is immediately ripe for a ruling.

Accordingly, the parties are hereby **DIRECTED** to meet and confer regarding the acceptability of each party's proposed expert and to file either joint or separate reports regarding the results by **April 30, 2019**.

SO ORDERED.


David R. Sonnenberg
Hearing Officer

Dated: April 23, 2019

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the meet-and-confer rule is to force litigants to attempt to resolve, or at least narrow, the disputed issues to prevent the unnecessary waste of time and effort on any given motion. The purpose of the rule is not to simply determine whether the motion will be opposed.”); *see also Youngevity Int’l, Corp. v. Smith*, 2017 U.S. Dist. LEXIS 213485, at *17 (S.D. Cal. Dec. 29, 2017) (“The purpose of the meet and confer requirement is to narrow the disputes before the Court and avoid the unnecessary expenditure of resources.”).