

This order has been published by the NASDR Office of the Hearing Officers and should be cited as OHO Order 97-8 (C10970141).

**NASD REGULATION, INC.
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,	:	
	:	
Complainant,	:	Disciplinary Proceeding
	:	No. C10970141
v.	:	
	:	Hearing Officer - EAE
	:	
	:	
Respondents.	:	

**ORDER EXTENDING TIME FOR RESPONDENTS
TO ANSWER**

The Complaint in this proceeding was served on all Respondents by certified first class mail on October 17, 1997. Pursuant to Code of Procedure Rule 9215(a), each Respondent was to file an Answer on or before November 14, 1997.

On November 13, 1997, Respondents _____ (hereafter collectively referred to as Movants), by and through their respective counsel, filed an Unobjected to Motion for Additional Time to File Answer. Movants state several grounds in support of their motion for an extension of time until December 19, 1997, most notably the need to retain separate counsel for Respondent _____ in order to avoid a potential conflict of interest.

Movants represent that the need to retain separate counsel for Respondent _____ could not be determined until after initial discussions and that Respondent _____ first was able to retain separate counsel as of November 11, 1997. Accordingly, as of the date of the filing of the Motion, counsel for Respondent _____ had not yet read the Complaint and, further, Movants represent that counsel for Respondent _____ is unable first to meet with his client until the week of November 17, 1997. Movants,

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in further support of their request for additional time, cite with some specificity the preexisting commitments of their respective counsel for the remainder of November and early December 1997.

Code of Procedure Rule 9215 specifically authorizes the Hearing Officer to extend the time for filing an Answer "for good cause." Similarly, Code of Procedure Rule 9222(a) generally authorizes extensions of time limits for "good cause shown." Subsection 9222(b) of that Rule, however, provides that extensions of time may not exceed 28 days unless the Hearing Officer provides reasons why a longer period is necessary. Movants request an extension of time to answer exceeding 28 days.

The Hearing Officer finds that the reasons stated by Movants support an extension of time exceeding 28 days, until December 19, 1997. The Complaint in this proceeding charges several respondents -- including Movants -- with multiple, but sometimes separate and distinct, violations. Since counsel for Respondent _____ just was retained, and since both counsel for Movants have represented in some detail their preexisting commitments over the next several weeks, the time requested for an extension is not unreasonable given the complexity of the alleged violations. Further, Movants, by and through counsel, represent that they have consulted with counsel for the Department of Enforcement and are authorized to state that Complainant does not oppose this Motion.

Accordingly, the time in which Movants shall file and serve their answer to the Complaint in this proceeding is extended to December 19, 1997.

Ellen A. Efros
Hearing Officer

Dated: Washington, DC
November 14, 1997