

This order has been published by the NASDR Office of the Hearing Officers and should be cited as OHO Order 97-3 (C3A970066).

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

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DEPARTMENT OF ENFORCEMENT,	:	
	:	
	:	
Complainant,	:	Disciplinary Proceeding
	:	No. C3A970066
v.	:	
	:	Hearing Officer - EAE
	:	
Respondent.	:	

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**ORDER GRANTING MOTION TO WITHDRAW  
AS COUNSEL TO RESPONDENT**

On August 21, 1997, Respondent \_\_\_\_\_ was served with a copy of the Complaint in this disciplinary proceeding. According to the Certificate of Service, the Complaint was served by certified and first class mail, postage prepaid, on Respondent \_\_\_\_\_.

On September 15, 1997, \_\_\_\_\_, Respondent's counsel, by and through \_\_\_\_\_, filed a motion to extend Respondent's time to answer the complaint. For good cause shown, the motion was conditionally granted on September 16, 1997, and the answer date was extended to and including October 6, 1997.

On October 6, 1997, Respondent's counsel, by and through \_\_\_\_\_, filed with the Office of Hearing Officers, and served upon Complainant's attorney, a motion to withdraw as counsel for Respondent. The motion was supported by a certification of

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\_\_\_\_\_ (“\_\_\_\_\_ Certification”), an associate in the law firm of \_\_\_\_\_.  
\_\_\_\_\_ represented that he was fully familiar with the facts recited therein.

According to the \_\_\_\_\_ Certification (at ¶7) , Respondent's counsel has been unable to reach Respondent either by telephone or mail. The \_\_\_\_\_ Certification further represents that on September 22, 1997, Respondent's counsel forwarded a letter to Respondent at \_\_\_\_\_, the same address where the Complaint in this matter was served. (\_\_\_\_\_ Certification at ¶8). The letter was returned to sender with the notation "return to sender, ATTEMPTED NOT KNOWN."

Additionally, \_\_\_\_\_ represents that his office has been unable to reach Respondent at his last known telephone number. (\_\_\_\_\_ Certification at ¶9). \_\_\_\_\_ further represents that on October 1, 1997, he spoke with Complainant's counsel who advised that the complaint served by certified mail on Respondent was returned undelivered. (\_\_\_\_\_ Certification at ¶10). Because Respondent's counsel has been unable to consult with Respondent or obtain his assistance concerning this matter, it respectfully requests that it be permitted to withdraw as counsel for Respondent. According to the \_\_\_\_\_ Certification (at ¶ 12), on October 2, 1997, Complainant's counsel advised that it had no position on the firm's motion to withdraw.

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Accordingly, for good cause shown, the Motion to Withdraw as Counsel to Respondent

\_\_\_\_\_ is GRANTED.

**SO ORDERED**

\_\_\_\_\_  
Ellen A. Efros  
Hearing Officer

Dated:           Washington, D.C.  
                  October 7, 1997