

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

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

EUGENE H. KIM  
(CRD No. 2264940),

Respondent.

Disciplinary Proceeding  
No. 2019064508802

Hearing Officer– DRS

**ORDER DENYING RESPONDENT'S MOTION FOR PERMISSION  
TO ATTACH AN APPENDIX TO HIS POST-HEARING BRIEF**

Today, Respondent Eugene H. Kim filed a motion requesting permission to attach an appendix to his post-hearing brief, which is due on August 13, 2024. Kim represents that he has identified 154 single-count FINRA Rule 2010 violation cases relevant to the issue of whether he violated that rule. He further claims that if he includes all these cases in the text of his post-hearing brief, it will far exceed my post-hearing order's 80-page limitation for his post-hearing brief. Nor, he says, can he address these cases in footnotes, as doing so will require expansive footnotes in contravention of my post-hearing briefing order directing the parties to "minimize their use of lengthy textual footnotes."<sup>1</sup> Thus, he requests permission to include, as an appendix, a 17-page chart that identifies, for each of the 154 cases, the Case Name, Date, FINRA ID number, Venue, Summary of the Bad Act and Decision.

In support of his motion, Kim maintains "that the proposed appendix, combined with the argument in the body of the post-hearing brief, is critical to demonstrate that the precedent of FINRA Rule 2010 violations demonstrates that the *stare decisis* cannot be used to find that Kim violated Rule 2010."<sup>2</sup> He further argues that "the summary will assist the Hearing Panel in evaluating the arguments set forth in Respondent's post-hearing brief by allowing easy reference of FINRA precedent for the Hearing Panel."<sup>3</sup> Finally, Kim represents that Enforcement does not oppose his request.

I do not find good cause to grant the motion. This case involves one respondent charged with violating one FINRA rule stemming from his conduct in connection with one private placement offering involving the pre-IPO shares of one company. Based on the pleadings, pre-

<sup>1</sup> Order Governing Post-Hearing Briefing (Jun. 13, 2024) ("Order") 2.

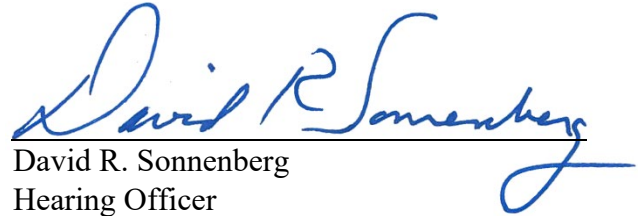
<sup>2</sup> Motion ("Mot.") 2.

<sup>3</sup> Mot. 2.

hearing briefs, and the evidence and arguments presented at the hearing, I concluded, in consultation with the Hearing Panelists and based on the parties' joint briefing proposal, that the issues in this case could be addressed adequately by each party filing one post-hearing brief not exceeding 80 pages. I then issued a post-hearing briefing order containing that page limitation, which I still find appropriate.<sup>4</sup>

In deciding what legal authority to include in a brief, I expect the parties to not simply cite all cases that touch on the relevant issues, or which may arguably be relevant. Rather, I expect them to cull from their research the most pertinent authorities. I am not persuaded that there are 154 FINRA Rule 2010 cases essential in deciding whether Kim's conduct violated FINRA Rule 2010. Stated another way, citing and addressing 154 FINRA Rule 2010 cases is excessive and unnecessary, given the issues in this case relating to the alleged rule violation. Accordingly, the motion is **DENIED**.

**SO ORDERED.**

  
David R. Sonnenberg  
Hearing Officer

Dated: August 5, 2024

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<sup>4</sup> Order 1.