

ADMINISTRATIVE PROCEEDING  
FILE NO. 3-11812

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION  
September 8, 2005

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In the Matter of

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ORDER

JAMES T. PATTEN

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The Securities and Exchange Commission (Commission) issued its Order Instituting Administrative and Cease-and-Desist Proceedings in this matter on February 8, 2005. A hearing is scheduled to commence on September 19, 2005.

On August 15, 2005, I issued a subpoena to Herzog, Heine, Geduld LLC (Herzog) requesting the hearing testimony of the trader(s) who entered the trades for the stock of Initio, Inc., from July 25, 2002, through April 30, 2003. Respondent's attorneys maintain they served Herzog with the subpoena on August 15, 2005, via its parent company, Merrill Lynch & Co. (Merrill Lynch).

On September 7, 2005, this Office received a letter from Respondent's attorney stating that an attorney for Merrill Lynch maintains the trader is no longer an employee. The letter explains that the attorney will provide the trader's name and last known contact information only if the undersigned orders Merrill Lynch to provide such information.

Merrill Lynch is hereby ORDERED to provide the name and last known contact information for the trader who handled the stock of Initio, Inc., during the period specified in the subpoena, by close of business on September 9, 2005. See 17 C.F.R. §§ 201.111, .232.



Robert G. Mahony  
Administrative Law Judge