


have been a penny stock during October and November 1996 is not relevant to Becker's sales. Finally, it is unclear if paragraphs 34 and 37 of the original indictment are identical to the corresponding paragraphs of the superseding indictment. The Division must now identify all the evidence upon which it relies to prove the OIP's assertion that Compare Generiks stock was a "penny stock" at the times that Becker sold it. If there is no such evidence, the Division must clarify if it still seeks a penny stock bar against Becker and, if so, on what basis.

On or before April 15, 2004, the Division shall file and serve a supplemental statement addressing the matters discussed above. Depending on the content of the Division's supplemental statement, I will then issue a further order with respect to the deadline for Becker's Opposition.

SO ORDERED.



James T. Kelly
Administrative Law Judge