

ADMINISTRATIVE PROCEEDING
FILE NO. 3-10007 SECURITIES & EXCHANGE COMMISSION
MAILED FOR SERVICE

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
April 1, 2002

APR 01 2002

CTFD. NO. _____

In the Matter of :
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CLARKE T. BLIZZARD and : PREHEARING ORDER
RUDOLPH ABEL :
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The hearing in this proceeding was scheduled to commence on April 2, 2002.¹ A prehearing conference was held on March 27. The following parties appeared: the Division of Enforcement (Division) by Linda B. Bridgman and Sandra J. Bailey, Esqs.; Clarke T. Blizzard by Marc B. Dorfman, Esq., of Foley & Lardner; and Rudolph Abel by Daniel I. Small, Esq., of Butters, Brazilian & Small.

First, Respondent Blizzard's March 12, 2002, Request for Subpoena to the Division for Roach's Financial Forms and the Division's March 27 Opposition were considered. The request was denied. The financial forms and finances of Christopher P. Roach are completely irrelevant to any issue in this proceeding concerning Respondents Blizzard and Abel. Respondent Blizzard argued that the forms could be used in cross-examining Roach, who is expected to testify as a witness in the Division's case, to attack his credibility. Roach's credibility, however, will be assessed by weighing his testimony with relevant and material evidence.

Next, the parties' request for a thirty-day postponement of the hearing date was considered. The parties noted that two interlocutory matters and a stay request are pending before the Securities and Exchange Commission. They articulated the logistical concerns and possible waste of public and private resources caused by the uncertainty of the timing of the Commission's actions on these matters if the April 2 hearing date is maintained. This is a showing of good cause to postpone the hearing, pursuant to 17 C.F.R. § 201.161. The hearing

¹ The proceeding was originally captioned Michael J. Rothmeier, Clarke T. Blizzard, Rudolph Abel, Donald C. Berry, Christopher P. Roach, Craig Janutol, and East West Institutional Services, Inc. It ended on April 13, 2000, as to Respondents Rothmeier, Berry, and Janutol, who settled, when the Securities and Exchange Commission issued Orders Making Findings and Imposing Sanctions as to each of them. It ended on February 28, 2002, as to Respondents Roach and East West Institutional Services, Inc., who defaulted, when the undersigned entered an Order Making Findings and Imposing Sanctions by Default as to them.

will commence on April 30 at 10:00 a.m. EDT, in Boston, Massachusetts, a time and place fixed with due regard for the public interest and the convenience and necessity of the parties, other participants, and counsel. See 17 C.F.R. § 201.200(c). The hearing site is Courtroom 5, Executive Office of Immigration Review, Third Floor, John F. Kennedy Federal Building (high-rise). The parties estimate the hearing will last about three weeks.

Finally, the Division's March 26 Motion to Exclude the Testimony of Respondent Blizzard's Expert Witness was considered. In view of the postponement of the hearing date, that motion was denied as moot.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Carol Fox Foelak". The signature is written in a cursive style with a horizontal line underneath the name.

Carol Fox Foelak
Administrative Law Judge