

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
May 31, 2007

In the Matter of :
: :
MICHAEL SASSANO, : ORDER
DOGAN BARUH, :
ROBERT OKIN, and :
R. SCOTT ABRY :

On March 6, 2007, the Division of Enforcement (Division) identified 240 documents that it was withholding from inspection and copying (Withheld Document List). See Rule 230(c) of the Rules of Practice of the Securities and Exchange Commission (Commission). On May 25, 2007, Respondent Michael Sassano (Sassano) moved to compel the Division to produce all notes and memoranda of witness interviews and proffer sessions (May 25 Motion). In general terms, the May 25 Motion seeks production of thirty-five of the 240 documents on the Division's Withheld Document List. Most of the items at issue are clearly described on the Withheld Document List. However, Items 55 and 58 of the Division's Withheld Document List describe two meetings at the New York Attorney General's office with "various CIBC employees." The Division's opposition to the May 25 Motion is due by June 4, 2007. When the Division files its opposition to the May 25 Motion, it shall identify by name the CIBC employees who are the subject of Items 55 and 58 of its Withheld Document List.¹

On May 29, 2007, Sassano moved to compel the Division to produce for inspection and copying all materials obtained pursuant to the formal order of investigation issued by the Commission in Investigation No. NY-7220 (May 29 Motion). Sassano has previously requested the Division to provide him with copies of the formal orders of investigation issued by the Commission in certain related investigations. See Exhibit F to May 29 Motion (letter of May 24, 2007, from Graeme W. Bush to Mark D. Salzberg). Sassano represents that the Division has not honored that request (May 29 Motion at 5 n.3).

The Division's opposition to the May 29 Motion is due by June 5, 2007. When the Division files its opposition, it shall provide copies of the formal orders of investigation requested by Sassano's counsel in his May 22 letter. If no such orders exist, the Division shall fully explain the circumstances.

¹ On May 30, 2007, Respondent Robert Okin (Okin) joined in Sassano's May 25 Motion. The Division shall respond to Okin by June 4, 2007—at the same time and in the same pleading as it responds to Sassano's May 25 Motion.

Sassano has requested a telephonic prehearing conference in connection with the May 29 Motion. However, Rule 154(a) of the Commission's Rules of Practice contemplates that oral arguments on written motions will not generally be held. I anticipate ruling promptly on the May 29 Motion. I do not believe that oral argument will be necessary.

SO ORDERED.



James T. Kelly
Administrative Law Judge