

ALJ

ADMINISTRATIVE PROCEEDING  
FILE NO. 3-12747

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

---

In the Matter of :  
 :  
MARIA T. GIESIGE : ORDER  
 :  
 :  
 :

---

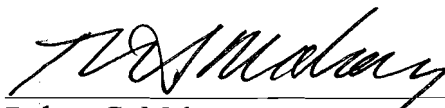
The Securities and Exchange Commission initiated this proceeding with its Order Instituting Proceedings on September 5, 2007. A telephonic prehearing conference is scheduled for January 28, 2008, at 1:00 p.m. EST, and the hearing is scheduled to commence at 9:30 a.m. EST, on Tuesday, February 5, 2008, in Fort Wayne, Indiana.

Under consideration is Respondent's Motion to Compel Service of a Revised Witness List or In the Alternative to Preclude Division of Enforcement from Calling Witnesses at the Hearing (Motion). In support of the Motion, Respondent argues that the Division of Enforcement's (Division) Witness List is not a good faith list in that it attempts to conceal which witnesses it will call at the hearing, because it has listed a total of forty-nine witnesses, of whom forty-four appear to be investors in The Carolina Development Company (investor witnesses). Given the constraints of allowing the parties adequate time to prepare for the hearing, I will rule on Respondent's Motion without waiting for the Division's reply. 17 C.F.R. § 201.154(b).

The parties will be allowed to call the investor witnesses that are common to both witness lists, that is, Ena Stapleton, Paula Stapleton, Karla Swarthout, Kenneth Niese, Jeff Schram, Michael Coe, Glen Richards, Denny Donaldson, Larry Johnson, and Steve Strauer. If the Division wishes to call any other investor witnesses in its case-in-chief, it must identify those witnesses and explain in written detail by January 11, 2008, how those witnesses' testimony will be materially different from that of the ten witnesses named above. 17 C.F.R. § 201.320.

Respondent's request for a sixty-day postponement of the hearing is denied.

SO ORDERED.

  
\_\_\_\_\_  
Robert G. Mahony  
Administrative Law Judge