

**NASD OFFICE OF HEARING OFFICERS**

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DEPARTMENT OF ENFORCEMENT,	:	
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	:	
Complainant,	:	Disciplinary Proceeding
	:	No. C9A020018
v.	:	
	:	Hearing Officer - AWH
	:	
	:	
	:	
Respondent.	:	

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**ORDER DENYING REQUEST FOR POSTPONEMENT OF HEARING**

The Complaint in this matter was issued in April 2002, and the matter was originally scheduled for hearing on October 15 and 16, 2002. At the request of the parties, the hearing was rescheduled for February 4 and 5, 2003. On January 13, 2003, counsel for the Respondent withdrew from representation of the Respondent for lack of communication from the Respondent. In his letter of withdrawal, counsel requested a postponement of the hearing "until such time as Mr. \_\_\_\_\_ can obtain replacement counsel."

The choice whether to cooperate with counsel is Respondent's. However, counsel's withdrawal due to Respondent's choice not to cooperate with him is not good cause for postponing the hearing. The hearing has already been postponed four months, and nine months have passed since the Complaint was issued. If, in fact, Respondent wishes to retain new counsel, that counsel will be bound by the existing schedule. Of course, Respondent is free to proceed *pro se*. Accordingly, the request for postponement of the hearing is *denied*. The final pre-hearing conference that is scheduled at 10 a.m. on January 23, 2003, shall also take place as scheduled. Respondent is admonished that,

**This Order has been published by NASD's Office of Hearing Officers and should be cited as OHO Order 03-03 (C9A020018).**

pursuant to Procedural Rule 9241(f), the Hearing Officer may issue a default decision against a Party who fails to appear at a pre-hearing conference of which that Party has notice. Under the circumstances, if Respondent does not appear at the final pre-hearing conference on January 23, 2003, the Hearing Officer will issue such a default decision. As noted in the Order dated September 27, 2002, to participate in the Conference, the parties are instructed to call the MCI Operator at (712) 257-2272 at the time scheduled, and provide the password "Heifetz." If any party is unable to connect to the call using these instructions, that party should immediately contact the Office of Hearing Officers at (202) 728-8008.

**SO ORDERED.**

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Alan W. Heifetz  
Hearing Officer

Dated: Washington, DC  
January 14, 2003