

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

FILED

2008 FEB 13 B 1:09

U.S. DISTRICT COURT
EASTERN DIST. TENN.

BY _____ DEPT. CLERK

UNDER SEAL

In re:
HERBERT S. MONCIER
BPR No. 1910

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Chief Judge Curtis L. Collier

ORDER AND NOTICE OF HEARING

On or before **Monday, February 25, 2008**, Respondent Herbert S. Moncier shall fully comply with E.D.TN. LR. 83.7(d) by filing a response, under seal, with the clerk¹ concerning the Court's January 17, 2008 Show Cause Order. Said response shall contain all of the information listed in E.D.TN. LR. 83.7(d)(1)-(5). Also, on or before **Monday February 25, 2008**, Respondent shall notify the undersigned whether he will be represented by counsel in this matter, and, if so, the contact information for said counsel.

Unless declined in writing by Respondent, **or determined by the undersigned to be unnecessary** upon review of the above-referenced response, a hearing pursuant to E.D.TN. LR. 83.7(h) shall be held for the purpose of allowing Respondent to respond to the Court's Show Cause Order. As stated in the Court's Memorandum and Order dated February 11, 2008, the hearing shall be limited to a showing by Respondent that the allegations in the Show Cause Order are inaccurate,

¹ Geneva Ashby, Division Manager, Joel W. Solomon Federal Building and United States Courthouse, 900 Georgia Avenue, Room 309, Chattanooga, TN 37402; (423) 752-5285.

or, if accurate, that disciplinary action is not warranted. Said hearing, if deemed necessary by the undersigned, shall take place on **Wednesday, March 5, 2008 at 10:00 a.m.**² in the chambers³ of the undersigned.

This order constitutes written notice of the hearing pursuant to E.D.TN. LR. 83.7(h). As such, Respondent is hereby placed on notice of the time, date, and location of the hearing, and that he is entitled to be represented by counsel, to present witnesses and other evidence, and to confront and cross-examine witnesses, if any.

SO ORDERED:

ENTER.

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE

² The undersigned will endeavor to inform the Respondent as soon as practical after receipt of a response in compliance E.D. TN. LR. 83.7(d) whether a hearing shall be deemed necessary. The hearing will not be delayed beyond March 5, 2008, but upon request of the Respondent, the undersigned will consider setting a sooner date for said hearing.

³ Joel W. Solomon Federal Building and United States Courthouse, 900 Georgia Avenue, Room 401, Chattanooga, TN 37402; (423) 752-5230.