

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

FILED UNDER SEAL

In re:
HERBERT S. MONCIER
BPR NO. 1910

**Respondent's Motion For This Court To Establish EDTN LR
83.7(h)(2) Procedures**

Respondent moves this Court establish procedures
for the hearing ordered by this Court on February 27, 2008.

Memorandum

EDTN LR 83.7(h)(1) provides:

(2) **Conduct of the Hearing.** The hearing shall be conducted by the judicial officer, who shall have the authority to resolve all disputes on matters of procedure and evidence which arise during the course of the hearing. All witnesses shall testify under penalty of perjury. Such hearings, at the discretion of the judicial officer, shall be confidential and shall be recorded. The record of the hearing shall be kept on file in the clerk's office, under seal.

These are matters Respondent sought to address with the Court at a prehearing conference. Because the Court denied Respondent a prehearing conference by its Order received by Respondent on the afternoon of February 29, 2008, Respondent moves this Court to grant these procedures by this motion.

By this motion Respondent moves this Court:

1. Grant Respondent relief from the prior Orders making these proceedings confidential and under seal orders so as to allow Respondent to speak to others about the charges to prepare for the hearing;

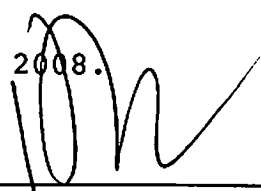
2. For an Order that the Federal Rules of Civil Procedure will apply to the hearing, including taking of depositions;

3. For an Order granting Respondent authority to use subpoenas for the attendance of witnesses at depositions or at the hearing, except for those witnesses previously denied;

4. For an Order that the Federal Rule of Evidence will apply at the hearing; and

5. For Respondent to have a Court Reporter present regardless of whether the Court will have someone present to record the proceeding.

This 2nd day of March 2008.



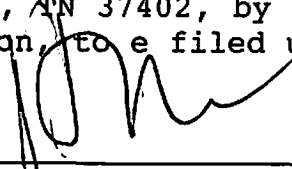
Herbert S. Moncier
Respondent

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BPR # 1910

Certificate

The undersigned certifies that on March 2, 2008, pursuant to the Court's directive, the foregoing has been served only upon Geneva Ashby, Division Manager, 209 Joel. W. Solomon Federal Building and United States Courthouse, 900 Georgia Avenue, Chattanooga, TN 37402, by United States Mail, with proper postage thereon, to be filed under seal.



Herbert S. Moncier
Respondent