

ADMINISTRATIVE PROCEEDING
FILE NO. 3-10997

SECURITIES & EXCHANGE COMMISSION
MAILED FOR SERVICE

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
March 24, 2003

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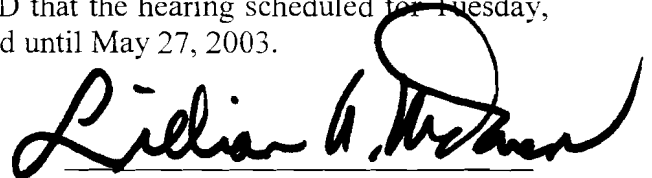
In the Matter of	:	PREHEARING ORDER DENYING
	:	DIVISION OF ENFORCEMENT'S
	:	MOTION TO STRIKE
JEFFREY M. GOLDBERG	:	RESPONDENT JEFFREY M.
	:	GOLDBERG'S AFFIRMATIVE
	:	DEFENSE AND DENYING
	:	DIVISION OF ENFORCEMENT'S
	:	MOTION TO PRECLUDE
	:	RESPONDENT JEFFREY M.
	:	GOLDBERG FROM CONTESTING
	:	FACTUAL AND LEGAL ISSUES
	:	UNDERLYING THE JUDGMENT
	:	OF PERMANENT INJUNCTION
	:	AND OTHER FINAL JUDGMENT
	:	SETTING DISGORGEMENT,
	:	PREJUDGMENT INTEREST AND
	:	CIVIL PENALTY
	:	

The Securities and Exchange Commission (Commission) instituted this proceeding on December 23, 2002. On February 19, 2003, the Commission's Division of Enforcement (Division) filed two motions: Division's Motion to Strike Respondent Jeffrey M. Goldberg's Affirmative Defense; Division's Motion to Preclude Respondent Jeffrey M. Goldberg From Contesting the Factual and Legal Issues Underlying the Judgment of Permanent Injunction and Other Final Judgment Setting Disgorgement, Prejudgment Interest and Civil Penalty (hereinafter Motions). A telephonic prehearing conference was held on March 20, 2003, during which time the above mentioned motions, among other things, were discussed and denied. The affirmative defenses, as well as the factual and legal issues raised by Respondent, are matters to be properly considered in the context of sanctions should the Division prove the allegations in the Order Instituting Proceedings.

On March 24, 2003, the Division filed a Joint Motion to Continue Hearing for 60 Days Pending Commission Consideration of Offer of Settlement. The Division indicates

that the parties have agreed to settle this proceeding and requests that the hearing scheduled to begin on March 25, 2003, be postponed for sixty days to allow the Commission time to consider the offer of settlement. Respondent jointly moves for the requested postponement.

Accordingly, IT IS ORDERED that the Division's Motions are DENIED. For good cause shown, pursuant to Rule 161 of the Commission's Rules of Practice, 17 C.F.R. § 201.161, IT IS FURTHER ORDERED that the hearing scheduled for Tuesday, March 25, 2003, in Miami, Florida, is postponed until May 27, 2003.

A handwritten signature in black ink, reading "Lillian A. McEwen". The signature is written in a cursive style with a large, prominent loop at the end of the name.

Lillian A. McEwen
Administrative Law Judge