

U.S. SECURITIES AND EXCHANGE COMMISSION
Admin. Proc. File No. 3-20127

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In the Matter of the Application of :

ERIC S. SMITH :

For Review of Disciplinary Action Taken By :

FINRA :
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MOTION FOR ORAL ARGUMENT

Pursuant to Rule 451 of the Rules of Practice of the U.S. Securities and Exchange Commission (“Commission”), by and through undersigned counsel, Mr. Eric S. Smith hereby requests that the Commission order oral argument on his application for review of disciplinary action taken by FINRA. As described in the Application for Review and in the Opening Brief filed today, the issues to be determined by the Commission in this matter: (a) go to the heart of FINRA’s jurisdiction to bring disciplinary proceedings as a self-regulatory authority; (b) the fairness of those proceedings; and (c) whether FINRA adjudicatory panels can make liability findings of securities fraud without requiring its Department of Enforcement to establish all the elements of fraud claims by a preponderance of actual evidence.

While the briefs submitted by the parties will address these issues, the Commission will be significantly aided by oral argument in this matter.

Dated: January 18, 2021
New York, New York

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