

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

Administrative Proceedings Rulings
Release No. 5955 / September 12, 2018

Administrative Proceeding
File Nos. 3-15006, et al.

In re:
**Pending Administrative
Proceedings**

**Chief Administrative Law Judge's
Order Assigning Proceedings
Post *Lucia v. SEC*¹**

This order accomplishes the Securities and Exchange Commission's directive that the Chief Administrative Law Judge assign each proceeding affected by its August 22, 2018, order to an administrative law judge who had not previously participated in the proceeding. *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10536, 2018 SEC LEXIS 2058, <https://www.sec.gov/litigation/opinions/2018/33-10536.pdf> (Comm'n Order).

To accomplish the Commission's directive, the Office of Administrative Law Judges made a list of affected cases with the identities of the administrative law judges who previously participated in those proceedings. Using the list and maintaining the assignment-by-rotation system, I am transferring Judge Cameron Elliot's cases to Judge Carol Fox Foelak, Judge Foelak's cases to Judge James E. Grimes, Judge Grimes's cases to me, and my cases to Judge Elliot. Because Judge Jason S. Patil will not be available to preside at hearings for the next several months, I am distributing most of his pending cases among the other judges. The assigned judge will handle the parties' request in A.P. File No. 3-17990. I am not assigning A.P. File Nos. 3-17253 and 3-17342 at the present time.

The Commission gave parties until September 7, 2018, to express a preference to remain with the previously assigned judge. *Id.* at 2. I did not include proceedings where parties exercised a preference for remaining with the previously assigned judge or A.P. File Nos. 3-15974, 3-16349, and 3-17550, pending resolution of settlement discussions. I also did not include

¹ 138 S. Ct. 2044 (2018).

A.P. File No. 3-16318 where the parties waived their right to a new hearing and requested that the Commission decide their petitions for review on the present record or A.P. File No. 3-17828 where the pro se litigant has requested an explanation of what is happening.

Pursuant to delegated authority, 17 C.F.R. § 200.30-10(a)(2), I ORDER the following administrative law judges to preside at the hearings in the designated proceedings, listed below by their administrative proceeding file numbers, and to perform other and related duties in accordance with the Commission’s Rules of Practice.

Judge Cameron Elliot

3-15446	3-18037	3-18204
3-15783	3-18082	3-18207
3-16965	3-18091	3-18221
3-17029	3-18105	3-18252
3-17184	3-18126	3-18325
3-17595	3-18141	3-18422
3-17645	3-18146	3-18475
3-17716	3-18153	3-18485
3-17848	3-18157	3-18492
3-17935	3-18177	3-18496
3-17959	3-18179	3-18507
3-17984 – 3-17989	3-18185	3-18535
3-18007	3-18189	3-18552
3-18017		

Judge Carol Fox Foelak

3-15006	3-17999	3-18223
3-15124	3-18004	3-18271
3-15514	3-18014	3-18292
3-16293	3-18038	3-18346
3-16386	3-18061	3-18347
3-16795	3-18081	3-18378
3-17228	3-18095	3-18405
3-17366	3-18104	3-18438
3-17558	3-18156	3-18460
3-17699	3-18173	3-18489
3-17743	3-18174	3-18490
3-17874 & 3-17875	3-18187	3-18497
3-17883	3-18201	3-18501
3-17990	3-18209	3-18508
3-17991		

Judge James E. Grimes

3-15168	3-17888	3-18206
3-15255	3-17977	3-18208
3-16182	3-18078	3-18217
3-16353	3-18079	3-18220
3-17031	3-18092	3-18229
3-17104	3-18096	3-18288
3-17115	3-18103	3-18445
3-17132	3-18106	3-18450
3-17545	3-18129	3-18454
3-17546	3-18130	3-18461
3-17547	3-18142	3-18472
3-17548	3-18148	3-18483
3-17549	3-18162	3-18493
3-17621	3-18169	3-18506
3-17650	3-18188	3-18545
3-17693	3-18193	3-18550
3-17751	3-18203	3-18551
3-17849		

Chief Judge Brenda P. Murray

3-16339	3-18097	3-18199
3-16509	3-18099	3-18202
3-16604	3-18107	3-18210
3-17352	3-18149	3-18219
3-17818 & 3-17819	3-18151	3-18276
3-17856	3-18155	3-18480
3-17886	3-18170	3-18481
3-17907	3-18176	3-18484
3-18023	3-18180	3-18500
3-18047	3-18190	3-18530
3-18077	3-18191	3-18534

Within twenty-one days of this order or by October 3, 2018, the assigned judge shall issue an order directing the parties to submit proposals for the conduct of further proceedings. Comm'n Order at 2. If a party fails to participate in the proceeding or fails to submit a proposal, the judge may enter a default against that party or impose another appropriate sanction. *See id.* & n.6 (citing 17 C.F.R. §§ 201.155, .180).

I FURTHER ORDER that proceedings previously consolidated remain consolidated.

This order will be served on all parties by the Commission's Office of the Secretary, or other duly authorized Commission officer, pursuant to Commission Rule of Practice 141, 17 C.F.R. § 201.141. The Commission's website at <http://www.sec.gov/alj> has links to all issuances by Commission administrative law judges and instructions for respondents that address procedural questions, such as how to make filings.²

Given this unusual situation, parties with procedural questions may contact the Office of Administrative Law Judges and ask for the law clerk assigned to the proceeding: (202) 551-6030 or alj@sec.gov. All filings must be made with the Commission's Office of the Secretary and served on parties to the proceeding. *See* 17 C.F.R. §§ 201.150-.152. If convenient, the parties are asked to send electronic courtesy copies of filings to alj@sec.gov; email to the administrative law judge does not, however, replace the required paper filing with the Office of the Secretary.

Brenda P. Murray
Chief Administrative Law Judge

² The Commission's Rules of Practice are located at <https://www.sec.gov/about/rules-of-practice-2018.pdf>.