

SECURITIES & EXCHANGE COMMISSION
MAILED FOR SERVICE

ADMINISTRATIVE PROCEEDING
FILE NO. 3-10611

NOV 15 2001

UNITED STATES OF AMERICA

Before the

TFD. NO. _____ SECURITIES AND EXCHANGE COMMISSION
November 15, 2001

In the Matter of

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ORDER

ROBERT BRUCE LOHMANN

John G. Moon, Esq., has filed a “notice of withdrawal,” which I assume to be a motion to withdraw as counsel for Respondent Robert Bruce Lohmann. See Rule 102(d)(4) of the Commission’s Rules of Practice. Mr. Moon requested that Lohmann be granted another month, until December 14, 2001, to file his answer to the Order Instituting Proceedings. He stated that the Division of Enforcement has no objection to his withdrawal or to the enlargement of time.

This Office received the “notice of withdrawal” on November 13, 2001. An attorney from this Office then contacted Mr. Moon by telephone. At that time, Mr. Moon stated that Lohmann has agreed to accept service of all pleadings and orders at 56 Robbins Ave., Amityville, N.Y. 11701. Mr. Moon further advised that Lohmann’s telephone number is AC 800, 550-7768.

This is Lohmann’s second request for an enlargement of time to file his answer. Under Rule 161(b)(2) of the Commission’s Rules of Practice, enlargements of time shall not exceed 21 days unless the hearing officer can set forth in a written order the reasons why a longer period of time is necessary. Mr. Moon has not offered any such “good cause” and Lohmann has yet to state anything. For example, Lohmann has not informed me when he and Mr. Moon decided to part company, whether he has been diligently seeking replacement counsel, how many such counsel he has already contacted, or if he intends to defend the charges pro se. In these circumstances, the request for an enlargement of time is granted only for the 21 days permitted by Rule 161(b)(2).

IT IS ORDERED THAT Mr. Moon’s “notice of withdrawal” shall be treated as a motion to withdraw. That motion is granted.

IT IS FURTHER ORDERED THAT Respondent Lohmann's answer to the OIP shall be filed and served on or before December 7, 2001. No further extensions of time are contemplated.

IT IS FURTHER ORDERED THAT the telephonic prehearing conference now scheduled for November 19, 2001, will be postponed to December 14, 2001, at 10 a.m. Eastern time, with the Division responsible for initiating the call and obtaining a court reporter.

IT IS FURTHER ORDERED THAT the hearing now scheduled for December 14, 2001, will be postponed to a date to be determined at the prehearing conference.

A copy of this Order shall be served on Mr. Moon and on Respondent Lohmann, at the address that Mr. Moon provided.



James T. Kelly
Administrative Law Judge