

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

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 2754/June 2, 2015

ADMINISTRATIVE PROCEEDING

File No. 3-16491

In the Matter of

ERIC W. JOHNSON

ORDER FOLLOWING
PREHEARING CONFERENCE

The Securities and Exchange Commission (Commission) issued an Order Instituting Administrative Proceedings (OIP) on April 15, 2015, pursuant to Section 15(b) of the Securities Exchange Act of 1934 (Exchange Act) and Section 203(f) of the Investment Advisers Act of 1940 (Advisers Act). The OIP references a civil action in which a final judgment was entered against Eric W. Johnson (Johnson) on March 24, 2015. *SEC v. Johnson*, No. 14-cv-8825 (N.D. Ill.). It is alleged that the final judgment permanently enjoined Johnson from future violations of Section 10(b) of the Exchange Act, Exchange Act Rule 10b-5, and Section 206 of the Advisers Act. The Commission's files show that on April 20, 2015, Thomas M. Leinenweber, Esq. (Leinenweber), received the OIP sent to Johnson.

Leinenweber did not participate in the prehearing conference held on June 2, 2015. The Division, however, represented that Leinenweber had confirmed in an email that he represented Johnson and was busy with the representation of Johnson in a criminal case. Johnson is in default because he was served with the OIP on April 20, 2015, and he did not file an answer to the OIP as required by the Commission's Rules of Practice or participate in the prehearing conference held on June 2, 2015. OIP at 3; 17 C.F.R. §§ 201.155(a), .220(f), .221(f).

During the prehearing conference, I granted the Division of Enforcement (Division) leave to file a Motion for Summary Disposition (Motion) and ordered the following procedural schedule:

- June 19, 2015: Division will file a Motion that will include as exhibits material showing Leinenweber's representation of Johnson and information regarding the criminal case against Johnson;
- July 6, 2015: Johnson's brief in opposition; and
- July 20, 2015: Division's reply brief.

Brenda P. Murray
Chief Administrative Law Judge