

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

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 3344 / November 24, 2015

ADMINISTRATIVE PROCEEDING

File No. 3-16914

In the Matter of

EVELYN LITWOK

ORDER FOLLOWING PREHEARING
CONFERENCE AND TO SHOW CAUSE

On October 21, 2015, the Securities and Exchange Commission issued an Order Instituting Proceedings (OIP) against Respondent Evelyn Litwok pursuant to Section 203(f) of the Investment Advisers Act of 1940. On November 6, the Division of Enforcement filed a declaration establishing that Litwok was personally served with the OIP on November 3, 2015. *See* 17 C.F.R. § 201.141(a)(2)(i). Accordingly, Litwok's Answer to the OIP was due November 23. *See* OIP at 2; 17 C.F.R. § 201.220(b). To date, Litwok has not filed an Answer.

Additionally, on November 23, I held a prehearing conference of which the parties were notified. *See Evelyn Litwok*, Admin. Proc. Rulings Release No. 3266, 2015 SEC LEXIS 4446 (Oct. 29, 2015) (order postponing hearing and scheduling prehearing conference). Division counsel appeared at the conference, but Litwok did not.

I therefore ORDER Litwok to SHOW CAUSE by December 4, 2015, why this proceeding should not be determined against her due to her failure to file an Answer, appear at the prehearing conference, or otherwise defend this proceeding. *See* 17 C.F.R. §§ 201.155(a)(1)-(2), .220(f), .221(f).

The Division is granted leave to file an appropriate dispositive motion by January 22, 2016. The Division's motion shall address what sanctions are in the public interest and shall include a discussion of the public interest factors under *Steadman v. SEC*, 603 F.2d 1126, 1140 (5th Cir. 1979), *aff'd on other grounds*, 450 U.S. 91 (1981), with citations to supporting evidence. Supporting evidence should include a declaration identifying each exhibit with a short description. In addition to the required filing with the Office of the Secretary, an electronic courtesy copy should be emailed to alj@sec.gov in PDF text-searchable format. Exhibits should be sent as separate attachments, not a combined PDF.

James E. Grimes
Administrative Law Judge