

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4218 / October 3, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-17387

In the Matter of

DONALD F. (“JAY”) LATHEN, JR.,
EDEN ARC CAPITAL MANAGEMENT, LLC, and
EDEN ARC CAPITAL ADVISORS, LLC

ORDER REVISING
PROCEDURAL SCHEDULE
AND HEARING DATE

The Securities and Exchange Commission instituted this proceeding in August 2016, and the hearing is currently scheduled to begin on October 17, 2016. However, as Respondents stated in their September 29, 2016, letter, they are waiving their right to a hearing between thirty and sixty days after service of the order instituting proceedings. Upon consideration of the scheduling proposals submitted by the parties, I ORDER the following revised procedural schedule:

- October 24, 2016: Stipulations, requests for official notice, and admissions of fact are due.¹
- November 7, 2016: Expert reports are due.
- December 5, 2016: Rebuttal expert reports are due. Parties exchange and file witness lists. Parties exchange exhibit lists and exchange exhibits (other than hearing demonstratives).
- January 4, 2017: Motions in limine and objections to exhibits and witnesses are due.
- January 11, 2017: Oppositions to motions in limine and responses to objections to exhibits and witnesses are due.
- January 13, 2017: Prehearing briefs are due.

¹ This due date is without prejudice to the parties’ ability to stipulate to any pertinent facts at any stage of the proceeding in accordance with 17 C.F.R. § 201.324; however, the parties are encouraged to reach stipulations, if any, before the hearing begins.

January 18, 2017: The parties will participate in a telephonic prehearing conference, at a time to be determined.

January 23, 2017: The hearing will begin at 9:30 a.m. EST at a location to be determined in New York, New York.

James E. Grimes
Administrative Law Judge