

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 4495 / December 29, 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 REGARDING THE  
DIVISION’S MOTION TO COMPEL  
HINCKLEY ALLEN

Today, the Division of Enforcement submitted a motion to compel the law firm Hinckley Allen to comply with a subpoena issued to it or to preclude Respondents from offering testimony or evidence regarding their reliance on the advice of Hinckley Allen. Given that the hearing is imminent and the issues presented by the Division’s motion warrant prompt resolution, Respondents and/or Hinckley Allen are directed to file their opposition(s), if any, by January 5, 2017. The Division’s reply is due January 6, 2017.

Also by January 5, Hinckley Allen shall produce for *in camera* review any documents identified on its December 14, 2016, privilege log that Hinckley Allen intends to withhold. Although this step has not been requested by the parties, it is warranted under the circumstances. *See, e.g., In re Grand Jury Subpoena (Mr. S.)*, 662 F.3d 65, 70 (1st Cir. 2011). The *in camera* submission shall include only the documents at issue and a transmittal letter identifying each withheld document or category of documents. No *ex parte* explanation of the submission or the documents is permitted.

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Jason S. Patil  
Administrative Law Judge