

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

Administrative Proceedings Rulings
Release No. 4970 / August 11, 2017

Administrative Proceeding
File No. 3-18099

In the Matter of

**Black Diamond Asset
Management LLC, and
Robert Wilson**

**Order Postponing Hearing and
Scheduling Prehearing
Conference**

On August 4, 2017, the Securities and Exchange Commission issued an order instituting proceedings (OIP) against Respondents Black Diamond Asset Management LLC and Robert Wilson. A hearing is currently scheduled for September 18, 2017.

In view of the foregoing, I ORDER the following:

1. The hearing is POSTPONED and a telephonic prehearing conference will be held on September 7, 2017, at 11:00 a.m. EDT.
2. Prior to the prehearing conference, the parties must confer and discuss the date and most convenient location for the hearing, the prehearing schedule, and the matters listed in Rule of Practice 221(c). *See* 17 C.F.R. § 201.221(c). In doing so, the parties should bear the following in mind. First, 5 U.S.C. § 554(b) and 17 C.F.R. § 201.200(c) provide guidance regarding the location of the hearing. Second, Respondents have a right to a hearing between thirty and sixty days after service of the OIP. 15 U.S.C. § 80b-3(k)(2); *see* OIP at 5–6. If they exercise that right, the hearing will commence on a date to be determined within that time period. Otherwise, the parties should review Rule of Practice 360(a)(2)(ii) in discussing possible dates to start the hearing and should consider the Commission’s guidance in amending rule 360, giving particular attention to the admonition that “the maximum prehearing period should be the exception rather than the norm.”

Amendments to the Commission's Rules of Practice, 81 Fed. Reg. 50212, 50214 & n.18 (July 29, 2016); *see* 17 C.F.R. § 201.360(a)(2)(ii).

3. By September 5, 2017, the parties should submit a joint letter, filed consistent with Rules of Practice 151 and 152, 17 C.F.R. §§ 201.151, .152, addressing:
 - a. the results of their discussion;
 - b. whether Respondents wish to exercise their right to begin the hearing between thirty and sixty days of service of the OIP;
 - c. a proposed prehearing schedule; and
 - d. the date on which they have agreed that the hearing should begin.
4. If the parties are unable to agree on a prehearing schedule and a date to begin hearing, they should file separate letters explaining their disagreement. The parties are advised that due to other currently scheduled commitments, I will be unavailable from February 20 through March 9, 2018.
5. The Division of Enforcement should promptly notify this office when Respondents or their counsel are served with the OIP. Service on an individual is complete upon delivery. 17 C.F.R. § 201.141(a)(2)(i). The parties may stipulate to a service date in their joint letter.

The parties are asked to e-mail PDF text-searchable courtesy copies of any filings to alj@sec.gov.

James E. Grimes
Administrative Law Judge