

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

Administrative Proceedings Rulings
Release No. 4975 / August 16, 2017

Administrative Proceeding
File No. 3-17387

In the Matter of

**Donald F. (“Jay”) Lathen, Jr.,
Eden Arc Capital Management,
LLC, and
Eden Arc Capital Advisers, LLC**

**Order on Revisions to Record
Index**

The Division of Enforcement and Respondents submitted motions to correct the record index in this matter, which was issued by the Office of the Secretary on July 25, 2017. The Division also submitted a brief response to Respondents’ motion. I ORDER the following:

- 1) I GRANT the Division’s motion in part. The documents in the Division’s Exhibit A shall be added to the record index, except—pursuant to guidance received from the Office of the Secretary—the documents in Tabs 2, 5, 7, 8, and 12, which are already in the record index.
- 2) The Division’s Exhibit B, which is an unredacted copy of the parties’ factual stipulations, shall be included in the record index UNDER SEAL because it contains information pertaining to Respondent Lathen’s personal finances. *See* 17 C.F.R. § 201.322(b).
- 3) I GRANT Respondents’ motion with respect to its proposed additions to the record index, to which the Division made no objection. The documents specified shall be made part of the record index.
- 4) I DENY Respondents’ request to seal the Division’s response to Respondents’ findings of fact in support of their inability-to-pay defense filed on May 22, 2017, and the Division’s surreply concerning

Respondents' inability-to-pay defense filed on June 9, 2017. The versions filed on those dates were redacted, and therefore should not be sealed.¹

- 5) The exhibit list is revised to include Respondents' exhibit 1970, which was admitted at the hearing but inadvertently omitted from the exhibit list.

The Office of the Secretary shall issue a revised record index in accord with the above rulings.

Jason S. Patil
Administrative Law Judge

¹ Pursuant to an order I issued on June 19, 2017, unredacted copies of those two pleadings under seal have been filed with the Secretary. *Donald F. ("Jay") Lathen, Jr.*, Admin. Proc. Rulings Release No. 4875, 2017 SEC LEXIS 1836.