

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

Administrative Proceedings Rulings  
Release No. 4997 / August 24, 2017

Administrative Proceeding  
File No. 3-18070

In the Matter of  
**David Lubin**

**Order Following  
Prehearing Conference**

Today I held a telephonic prehearing conference in this matter, at which counsel for both parties appeared. Because the order instituting proceedings (OIP) stated that the scheduling of the hearing is dependent on final judgments being entered in “Related Actions,” OIP at 6-7, I asked the parties to identify such proceedings. *See David Lubin*, Admin. Proc. Rulings Release No. 4964, 2017 SEC LEXIS 2448 (ALJ Aug. 9, 2017). The Division of Enforcement represented that the sole “Related Action[ ]” is *United States v. Lubin*, No. 1:17-cr-20508 (S.D. Fla.) (criminal case). Respondent did not dispute the Division’s representation or identify any further “Related Actions.” In light of the uncertain timeline for sentencing following Respondent’s anticipated guilty plea in the criminal case, the parties proposed that the schedule in this proceeding should be set only once final judgment is entered in the criminal case.

I accordingly ORDER the parties to notify this office within three business days of entry of final judgment in the criminal case. Upon such notification, I will schedule a prehearing conference at which the parties should be prepared to propose a schedule consistent with the OIP. *See* OIP at 6-7; 17 C.F.R. § 201.221(c).

---

Brenda P. Murray  
Chief Administrative Law Judge