

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

Administrative Proceedings Rulings
Release No. 5056 / September 15, 2017

Administrative Proceeding
File No. 3-18099

In the Matter of

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

Order to Show Cause

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. I held a telephonic prehearing conference on September 7, 2017, which Respondents did not attend. *Black Diamond Asset Mgmt. LLC*, Admin Proc. Rulings Release No. 5028, 2017 SEC LEXIS 2759, at *2 (ALJ Sept. 7, 2017).

I previously found that Black Diamond was served with the OIP by mail on August 7, 2017, and Wilson was served with the OIP by personal service on August 25, 2017. *Id.* at *1. Their answers were due by August 30, 2017, and September 14, 2017, respectively. *Id.* at *1–2. To date, neither Respondent has filed an answer.

I ORDER that by September 25, 2017, Respondents shall SHOW CAUSE why the proceeding should not be determined against them by default for failing to attend the prehearing conference, file answers, or otherwise defend the proceeding. OIP at 6; 17 C.F.R. §§ 201.155(a)(1)–(2), .220(f), .221(f). If Respondents fail to respond to this order or otherwise defend the proceeding, I will set a schedule for the Division of Enforcement to file a motion for default and sanctions.

In addition, in a previous order, I noted that Wilson had forwarded e-mails to my office directing abusive and profane comments to Division counsel. *Black Diamond Asset Mgmt. LLC*, 2017 SEC LEXIS 2759, at *2. I ordered Wilson to stop sending such e-mails to my office's e-mail address and

warned him that failure to comply would result in sanctions, “including losing the privilege and convenience of communicating with my office by e-mail and striking any filing associated with an unprofessional and abusive e-mail.” *Id.* at *2–3. Wilson quickly responded with another abusive and profane e-mail, which is attached to this order. *See* Ex. C.¹ In light of Wilson’s conduct, I ORDER that Wilson’s privilege of submitting filings to my office by e-mail is revoked. This includes any answer to this order to show cause that Wilson may file on behalf of either Respondent. Any filing Wilson attempts to submit by e-mail will not be considered. Only filings submitted in compliance with Rules of Practice 150 through 153, 17 C.F.R. §§ 201.150–.153, will be considered.

James E. Grimes
Administrative Law Judge

¹ The designation as “Exhibit C” follows the two abusive e-mails that were Exhibits A and B in the prior scheduling order. *Black Diamond Asset Mgmt. LLC*, 2017 SEC LEXIS 2759, at *2.