

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

Administrative Proceedings Rulings
Release No. 5751 / May 23, 2018

Administrative Proceeding
File No. 3-18099

In the Matter of

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

**Order Admitting
Certain Deposition Transcripts
by Consent**

On May 22, 2018, the Division of Enforcement submitted a motion in limine to (1) admit into evidence by consent designated portions of the deposition transcripts of Kurt Neubauer and H. Steve Harrell and (2) allow third-party witness Steven M.H. Wallman to testify by telephone.

I find that admission of the designated portions of Neubauer and Harrell's depositions is proper under 17 C.F.R. § 201.235(a)(5) because the parties have stipulated to accept the transcripts in lieu of live testimony, all parties had the opportunity to examine the witnesses during the depositions, and live testimony in New York would entail considerable expense. I therefore GRANT IN PART the Division's motion and ADMIT the exhibits designated DIV 81 and DIV 82, which are attached to the Division's motion as Exhibits B and C, respectively.

Respondents have until May 30, 2018, to consent to Wallman's participation by telephone or otherwise respond to the motion. *See* 17 C.F.R. §§ 201.154(b), .160(a). In addition, the parties should confer regarding their availability and contact my office to propose a time for the telephonic prehearing conference scheduled for June 7, 2018.

James E. Grimes
Administrative Law Judge