

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

Administrative Proceedings Rulings
Release No. 6438 / February 1, 2019

Administrative Proceeding
File No. 3-17828

In the Matter of

Rosalind Herman

Order Granting Extension

In a letter dated December 17, 2018, Respondent Rosalind Herman requested a two month extension to file her opposition to the Division of Enforcement's motion for summary disposition, citing a health condition, a lack of stamps, a broken copy machine, religious restrictions, and that she expects her submission to be lengthy.

A five-week lapse in appropriations and the decision of the Securities and Exchange Commission to stay all administrative proceedings from January 16 until January 30, 2019, prevented me from earlier ruling on Herman's motion. *See Pending Admin. Proc.*, Securities Act of 1933 Release No. 10602, 2019 SEC LEXIS 5 (Jan. 16, 2019); *Pending Admin. Proc.*, Securities Act Release No. 10603, 2019 SEC LEXIS 37 (Jan. 30, 2019). For good cause shown, I now GRANT the extension. 17 C.F.R. § 201.161(a). Herman's opposition was previously due December 19, 2018, and it will now be due February 19, 2019. The Division may file a reply by March 5, 2019. Given that Herman is benefitting from a two-month extension, absent extraordinary circumstances, no further extensions will be granted.

Herman also claims that she requires additional discovery. In particular, Herman requests material "on the law firm Sadis and Goldberg [she] hired to do the hedge fund in the FBI investigation." Given that she previously confirmed that she received the investigative file from the Division, Prehr's Tr. 17-18 (Nov. 1, 2018), Herman's cursory and unexplained request provides no basis to order any relief. Nevertheless, if the Division possesses previously undisclosed evidence relevant to Herman's request that it is required to make available under Rule of Practice 230, it must promptly do so. 17 C.F.R. § 201.230.

Finally, Herman requests an additional prehearing conference. In her letter, Herman says, "I am still waiting for a telephone conference call. I asked over a month ago." Attached to her letter is a handwritten note in which Herman appears to request a call on an "unrecorded line." If the basis for Herman's request is to have a private conversation with Division counsel and me, she is informed that Commission proceedings are presumptively open to the public. *See* 17 C.F.R. § 201.301. Herman's request for an additional prehearing conference is denied without prejudice, meaning, she may resubmit it with an explanation of the reason for her request.

James E. Grimes
Administrative Law Judge