

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1026/November 6, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15581

In the Matter of

TODD NEWMAN

ORDER FOLLOWING PRE- HEARING
CONFERENCE

The Securities and Exchange Commission issued an Order Instituting Proceedings (OIP) on October 21, 2013, alleging that Todd Newman (Newman): (1) on October 4, 2013, was enjoined from future violations of Section 17(a) of the Securities Act of 1933, Section 10(b) of the Securities Exchange Act of 1934 (Exchange Act), and Exchange Act Rule 10b-5 in SEC v. Adondakis, No. 12-cv-0409 (HB) (S.D.N.Y.); and (2) on December 17, 2012, was convicted of one count of conspiracy to commit securities fraud and four counts of securities fraud in violation of Exchange Act Section 10(b) and Exchange Act Rule 10b-5 in United States v. Newman, No. S2:12-cr-121 (RJS) (S.D.N.Y.). On May 9, 2013, Newman was sentenced to fifty-four months in prison, followed by one year of supervised release, and ordered to pay a \$1 million fine and \$737,724 in criminal forfeiture.

At a prehearing conference on November 1, 2013, John A. Nathanson, Newman's counsel, explained that Newman does not contest that the judgments described in the OIP occurred or the collateral bar sought by the Division of Enforcement (Division); however, Newman denies the allegations that are the basis of the court decisions and he would have to stop doing so if he entered an Offer of Settlement.

Order

I POSTPONE the hearing scheduled to begin on November 18, 2013; waive Newman's obligation to file an Answer; and GRANT the Division leave to file any motion for summary disposition by November 22, 2013. See 17 C.F.R. §§ 201.220(b), .250(a). Newman shall file any opposition by December 13, 2013, and the Division shall file any reply by December 20, 2013. This case is similar to Anthony Chiasson, Admin. Proc. No. 3-15580, and the same procedure is being followed for disposition.

Brenda P. Murray
Chief Administrative Law Judge