

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 2164/December 23, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-16000

In the Matter of

HOUSTON AMERICAN ENERGY CORP.,
JOHN F. TERWILLIGER, JR.,
UNDISCOVERED EQUITIES INC., and
KEVIN T. MCKNIGHT

ORDER ON REQUEST FOR THE
ISSUANCE OF SUBPOENA TO
COLUMBIA WANGER ASSET
MANAGEMENT, LLC

On December 22, 2014, Respondents Houston American Energy Corp. and John F. Terwilliger, Jr. (Houston American Respondents), filed a Request for the Issuance of Subpoena (Request) to Columbia Wanger Asset Management, LLC (Columbia Wanger).

The subpoena first requests “thirteen documents *already produced* by Columbia Wanger to Respondents in the class action case pending in the Southern District of Texas, which includes substantially similar allegations as the ones made by the Division.” Request at 1 (emphasis added). Since these documents were already produced in a federal district court action, the current request that they be reproduced is denied because it is unnecessary. Instead, to the extent that Houston American Respondents have not already done so, they should produce those documents to the Division. If an issue arises about those documents that only can be resolved by their re-production by Columbia Wanger, the parties should jointly notify this Office.

The second and third requests, based on the representations of Houston American Respondents, appear reasonable and relatively unburdensome. The second request relates to a ledger that Columbia Wanger “already produced” to Houston American Respondents in the federal district court litigation, but that previously produced version “does not indicate the prices at which Columbia Wanger transacted in Houston American securities, which is relevant to show that Columbia Wanger made a substantial profit on Houston American securities.” Request at 2. The second request thus asks that Columbia Wanger “include the prices at which [it] transacted” in Houston American securities in the version of the ledger it produces in this action. Subpoena Request No. 2.

The third request is for spreadsheets similar to two already produced in the federal district court litigation. Spreadsheets are requested for seven “other [petroleum] exploration and production companies doing business in Colombia in which Columbia Wanger either owned

securities or had a high level of interest to invest” like the two produced at a December 4, 2014, deposition. Subpoena Request No. 3. Houston American Respondents represent that this request requires, “at most, eleven documents that would presumably only require someone to press print.” Request at 3.

To the extent, if any, that Columbia Wanger maintains that the documents requested by Houston American Respondents constitute confidential or proprietary information, Houston American Respondents and Columbia Wanger should seek an appropriate protective order. *See, e.g., Houston American Energy Corp., Admin. Proc. Rulings Release No. 2021, 2014 SEC LEXIS 4324 (Nov. 14, 2014); see also 17 C.F.R. § 201.322.*

It is ORDERED that the subpoena is modified as follows:

Request No. 1 is DENIED as unnecessary. Requests No. 2 and 3 are GRANTED.

Jason S. Patil
Administrative Law Judge