

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3377/December 7, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-16943

In the Matter of

LONNY S. BERNATH

ORDER POSTPONING HEARING
AND DIRECTING THE PARTIES TO
HOLD AN INITIAL PREHEARING
CONFERENCE

On November 5, 2015, the Securities and Exchange Commission issued an Order Instituting Proceedings (OIP) against Respondent. A hearing is currently scheduled for December 17, 2015. Based on tracking information and U.S. Postal Service confirmation of receipt, it appears that a copy of the OIP was delivered to Respondent's counsel on November 17, 2015. Respondent's answer to the OIP is due twenty days after service. *See* OIP at 2; 17 C.F.R. § 201.220(b).

On December 4, 2015, the Division of Enforcement, with Respondent's consent, moved to convert the hearing date to a prehearing conference and to continue the hearing.

I POSTPONE the hearing, and direct the parties to hold an initial prehearing conference without the hearing officer by December 17, 2015. By December 21, 2015, the parties shall file a joint prehearing conference statement, which addresses each numbered item in Rule of Practice 221(c), 17 C.F.R. § 201.221(c), includes proposed due dates where applicable,¹ confirms the date the OIP was served on Respondent in accordance with Rule 141, and proposes a procedural schedule. The joint statement should address whether this proceeding may be resolved by summary disposition, and if so, include proposed due dates for motions, oppositions, and replies. 17 C.F.R. §§ 201.221(c)(7), .250. It should also propose a date and location for a hearing, if this matter cannot be resolved by summary disposition. Any proposed procedural schedule must provide that summary disposition briefing will conclude no later than early February 2016, and any hearing will commence no later than March 2016, so that I may resolve this proceeding within the required 210-day timeframe for an initial decision. Based on this prehearing conference statement, a subsequent prehearing conference with the hearing officer will be scheduled if appropriate. If the parties are unable to hold a prehearing conference by December 17, 2015, the Division shall notify this Office before that date.

The parties are also asked to email courtesy copies of any filings in this proceeding in PDF text-searchable format to alj@sec.gov. Please refrain from emailing me directly.

Jason S. Patil
Administrative Law Judge

¹ The parties may denote that an item is "not applicable" in their filing.