

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3549 / January 29, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-16836

In the Matter of

STEVEN J. MUEHLER,
ALTERNATIVE SECURITIES MARKETS
GROUP CORP., AND
BLUE COAST SECURITIES CORP., DBA
GLOBALCROWDTV, INC., AND BLUE
COAST BANC

PROTECTIVE ORDER RE CONFIDENTIAL
MATERIAL

I adopt the parties' stipulated protective order, as modified by bold typeface and strikeout.¹ This order protects documents produced by Respondents in response to the Division of Enforcement's subpoena requests 3, 8, 9, 10, 11, 15, 16, and 17 containing trade secret or other confidential research, development, or commercial information for which special protection from public disclosure and from use for any other purpose other than prosecuting this litigation may be warranted (confidential material). The harm resulting from the disclosure of the confidential material would outweigh any benefit. *See* Rule of Practice 322(b), 17 C.F.R. § 201.322(b).

Stipulated Protective Order, as Modified

With regard to the eight categories of documents requested by the Division of Enforcement in the subpoena issued January 4, 2016, which Respondents contend call for the production of documents that are subject to "confidentiality agreements and non-disclosure agreements," could "provide a competitor . . . an unfair business advantage," or otherwise implicate "sensitive or confidential information" – subpoena requests 3, 8, 9, 10, 11, 15, 16, and 17 – the parties to the above-captioned action hereby stipulate to the entry of the following Protective Order:

¹ Paragraph 5.3 of the parties' stipulated protective order has been modified to accord with Commission Rule of Practice 151's filing requirements. 17 C.F.R. § 201.151.

1. PURPOSES AND LIMITATIONS

This Protective Order is intended to cover only those documents responsive to subpoena requests 3, 8, 9, 10, 11, 15, 16, and 17 that contain trade secret or other confidential research, development, or commercial information for which special protection from public disclosure and from use for any purpose other than prosecuting this litigation may be warranted. The parties acknowledge that this Protective Order does not confer blanket protections on all disclosures or previously produced documents and that the protection it affords from public disclosure and use extends only to the limited information or items responsive to subpoena requests 3, 8, 9, 10, 11, 15, 16, and 17.

2. DEFINITIONS

2.1 “CONFIDENTIAL” Information or Items: information (regardless of how it is generated, stored or maintained) or tangible things that contain trade secret or other confidential research, development, or commercial information for which special protection from public disclosure and from use for any purpose other than prosecuting this litigation may be warranted.

2.2 Designating Party: Respondent or a Non-Party that designates information or items as “CONFIDENTIAL.”

2.3 Subpoena Material: all items or information, regardless of the medium or manner in which it is generated, stored, or maintained (including, among other things, testimony, transcripts, and tangible things), that are produced or generated in response to subpoena requests 3, 8, 9, 10, 11, 15, 16, and 17.

2.4 Non-Party: any natural person, partnership, corporation, association, or other legal entity not named as a party to this action.

2.5 Protected Material: any Subpoena Material that is designated as “CONFIDENTIAL.”

3. DURATION

Even after final disposition of this litigation, the confidentiality obligations imposed by this Protective Order shall remain in effect until a Designating Party agrees otherwise in writing or a court order otherwise directs.

4. DESIGNATING PROTECTED MATERIAL

4.1 Duty to Exercise Restraint and Care in Designating Material for Protection. Each Respondent or Non-Party that designates information or items for protection under this Protective Order must take care to limit any such designation to specific material that qualifies for protection as trade secret or other confidential research, development, or commercial

information for which special protection from public disclosure and from use for any purpose other than prosecuting this litigation may be warranted.

If it comes to a Designating Party's attention that information or items that it designated for protection do not qualify for protection that Designating Party must promptly notify all other Parties that it is withdrawing the mistaken designation.

4.2 Manner and Timing of Designations. Except as otherwise provided in this Protective Order, or as otherwise stipulated or ordered, Subpoena Material that qualifies for protection under this Protective Order must be clearly so designated before the material is disclosed or produced. Each page that contains protected material should be affixed with the legend "CONFIDENTIAL." If only a portion or portions of the material on a page qualifies for protection, the Designating Party must clearly identify the protected portion(s) (*e.g.*, by making appropriate markings in the margins).

5. CHALLENGING CONFIDENTIALITY DESIGNATIONS

5.1 Timing of Challenges. The Division of Enforcement may challenge a designation of confidentiality at any time.

5.2 Meet and Confer. The Division of Enforcement shall initiate the dispute resolution process by sending an e-mail to the Designating Party, providing written notice of each designation it is challenging and describing the basis for each challenge. The Division of Enforcement and the Designating Party shall attempt to resolve each challenge in good faith and must begin the process by conferring directly (in voice to voice dialogue; other forms of communication are not sufficient) within three days of the date of receipt of the e-mail. In conferring, the Division of Enforcement must explain the basis for its belief that the confidentiality designation was not proper and must give the Designating Party an opportunity to review the designated material, to reconsider the circumstances, and, if no change in designation is offered, to explain the basis for the chosen designation. The Division of Enforcement may proceed to the next stage of the challenge process only if it has engaged in this meet and confer process first or establishes that the Designating Party is unwilling to participate in the meet and confer process in a timely manner.

5.3 Hearing Officer Intervention. If the parties cannot resolve a challenge without intervention by the Hearing Officer, the Division of Enforcement may present the issue to the Hearing Officer by submission of a letter brief not to exceed three pages, exclusive of any exhibits. Any responsive letter brief from the Designating Party must be filed within three business days. ~~Letter briefs will not be electronically filed~~ **Letter briefs, to the extent they contain confidential material, will be filed under seal with the Commission's Office of the Secretary in the manner described below, but instead and also** will be emailed to the chambers of the Hearing Officer at alj@sec.gov. As such, letter briefs ~~emailed to the chambers of the Hearing Officer~~ may contain Protected Material without violating this Protective Order. Any party may then request a telephonic hearing before the Hearing Officer regarding the challenge to the confidentiality designation.

5.4 The burden of persuasion in any such challenge proceeding shall be on the Designating Party. Unless the Designating Party has waived the confidentiality designation by failing to file a letter brief to retain confidentiality as described above, all parties shall continue to afford the material in question the level of protection to which it is entitled under the Producing Party's designation until the Hearing Officer rules on the challenge.

6. USE OF PROTECTED MATERIAL

6.1 **Basic Principles.** The Division of Enforcement may use Protected Material that is disclosed or produced by Respondents in response to subpoena requests 3, 8, 9, 10, 11, 15, 16, and 17 in connection with this case only for prosecuting, defending, or attempting to settle this litigation, or as otherwise provided in Section H of SEC Form 1662 ("Routine Uses of Information").

6.2 **Filing Protected Material.** Without written permission from the Designating Party or an order from the Hearing Officer secured after appropriate notice to all interested persons, the Division of Enforcement may not file in the public record in this action any Protected Material; rather, any such documents must be filed under seal, in an envelope clearly marked "NON-PUBLIC CONFIDENTIAL INFORMATION SUBJECT TO PROTECTIVE ORDER." In addition, if the Division of Enforcement intends to use any Protected Material during the hearing, for example, in the course of examining or cross-examining witnesses, it will so advise the Hearing Officer, so that such exhibits and testimony will be closed to the public.

6.3 Briefs or Motions. If a party intends to make a filing (such as a brief or motion) that incorporates confidential information subject to this order in the written text, the party must: (1) file a version under seal, with the confidential information subject to this order noted by brackets, bold typeface, or some other clear indication; and (2) file a public redacted version that removes the confidential information.

7. DISCLOSURE AMONG COMMISSION STAFF

The Protected Material may be disclosed in the course of this litigation, or any appeal therefrom, to the Commission and its employees, agents, or contractors.

Jason S. Patil
Administrative Law Judge