

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3990/July 15, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-16462

In the Matter of	:	
	:	
LYNN TILTON;	:	
Patriarch Partners, LLC;	:	
Patriarch Partners VIII, LLC;	:	ORDER
Patriarch Partners XIV, LLC; and	:	
Patriarch Partners XV, LLC	:	

The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings on March 30, 2015. The hearing, expected to last about two weeks, was set to commence on October 13, 2015, and the prehearing schedule was established on May 7, 2015, with the consent of the parties, as follows:

June 5, 2015	Respondents' Motion for Summary Disposition
June 26, 2015	Division's Response to Motion for Summary Disposition
July 10, 2015	Respondents' Reply
July 10, 2015	Division's Expert Reports ¹
August 7, 2015	Division's Witness and Exhibit Lists and 3500 Materials
August 10, 2015	Respondents' Expert Reports, including Rebuttal Reports
August 17, 2015	Respondents' Witness and Exhibit Lists
August 31, 2015	Division's Rebuttal Expert Reports
September 18, 2015	Motions in Limine
September 25, 2015	Oppositions to Motions in Limine
October 5, 2015	Prehearing Briefs, Final Stipulations, and Prehearing Conference

Lynn Tilton, Admin. Proc. Rulings Release No. 2647, 2015 SEC LEXIS 1773 (A.L.J. May 7, 2015).

The prehearing steps through August 31, 2015, had been accomplished or waived by September 17, 2015, the date when the U.S. Court of Appeals for the Second Circuit stayed the

¹ Expert witnesses' direct testimony will be via expert report. The experts will present a brief summary of their testimony and be made available for cross examination.

proceeding. *Tilton v. SEC*, No. 15-2103, ECF No. 76. In June 2016, the court vacated its stay. *Tilton v. SEC*, No. 15-2103, 2016 U.S. App. LEXIS 9970, at *37 (2d Cir. June 1, 2016).²

In light of the passage of time, the parties may amend their previously filed witness and exhibit lists by August 12, 2016. The parties have suggested a hearing date in December 2016. However, a December 2016 hearing date is inconsistent with a timely resolution of this proceeding consistent with 17 C.F.R. § 201.360.³ Accordingly, the parties should, by no later than July 22, 2016, propose an earlier hearing date in September 2016 as well as dates for the remaining prehearing steps.

IT IS SO ORDERED.

/S/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge

² The court ordered: “[O]ur stay on further proceedings by the SEC is VACATED.” *Id.* On June 28, 2016, the court ruled on the Commission’s motion for clarification: “it is hereby ORDERED that the stay is vacated, subject, however, to a continuation of the stay until July 6, 2016, to permit Tilton to file a motion seeking a stay from the Supreme Court and, if such a stay motion is timely filed, until the Supreme Court or a Justice thereof has definitely ruled on such a motion.” *Tilton v. SEC*, No. 15-2103, ECF No. 125. No such motion was filed. On July 12, 2016, the court denied Tilton permission to file, together with Barbara Duka, appellee in *Duka v. SEC*, No. 15-2732 (2d Cir.), a joint petition for rehearing in response to the court’s June 1, 2016, opinion. *Tilton v. SEC*, No. 15-2103, ECF No. 146.

³ Recently, counsel who previously represented Respondents withdrew, and new counsel appeared for Respondents. However, such a change cannot be allowed to delay the proceeding.