

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4562/January 27, 2017

ADMINISTRATIVE PROCEEDING
File No. 3-16554

In the Matter of

GRAY FINANCIAL GROUP, INC.,
LAURENCE O. GRAY, and
ROBERT C. HUBBARD, IV

ORDER POSTPONING HEARING AND
SETTING SCHEDULE FOR BRIEFING ON
WAIVER OF ATTORNEY-CLIENT
PRIVILEGE

Yesterday, January 26, 2017, I held a prehearing conference to address the unexpected unavailability of one of Respondents' attorneys. At the conference, the parties agreed to postpone the hearing. For good cause shown, the hearing is POSTPONED to March 6, 2017, in Atlanta. The precise time and location of the hearing will be addressed in a separate order.

I further ORDER that the prehearing schedule, including the prehearing conference scheduled for January 31, 2017, is CANCELED. Thus, until further notice the parties shall file no more objections to witnesses or exhibits, stipulations, motions in limine, or responses to the same. However, Respondents may timely file a response to the Division of Enforcement's motion to strike the expert report of Linda D. Jellum. At a later date, I will address how the pending motions that were to be discussed at the January 31 conference will be resolved.

I further ORDER that by January 31, 2017, the Division shall file a motion addressing whether Respondents waived attorney-client privilege with respect to any advice they received from Greenberg Traurig, LLP. Respondents shall file a response to the Division's motion by February 7, and the Division may file a reply by February 10.

I further ORDER that the parties' briefs on this issue shall address the effect, if any, that a waiver of privilege may have on Greenberg Traurig's ability to continue as trial counsel in this proceeding. The parties' briefs shall also include, as attachments, any pertinent documentary and testimonial evidence. In particular, the Division shall attach to its opening brief, at minimum: (1) Division Exhibits 40 and 52 (the declarations of non-reliance signed by Respondents Gray and Hubbard); (2) all emails referenced in section II.C. of the Division's prehearing brief (including in footnote 2); and (3) documents supporting the Division's assertion on page 1 of its response to Respondents' opposition to certain proposed witness subpoenas, submitted January 17, 2017, that attorneys Rachel B. Cohen-Deano and Genna Garver "worked on the offering at issue." And Respondents shall attach to their response brief, at minimum: (1) the

communications between Respondents and counsel referenced on page 13 of Respondents' corrected prehearing brief; and (2) the transcript pages cited on pages 24 and 25 of Respondents' corrected prehearing brief.

Cameron Elliot
Administrative Law Judge