

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1315/March 19, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15691

In the Matter of

JAMES A. RATHGEBER

PREHEARING ORDER

The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings on January 27, 2014, pursuant to Section 15(b) of the Securities Exchange Act of 1934. The proceeding is a follow-on proceeding based on People v. Rathgeber, No. 02394-2009 (N.Y. Sup. Ct. Dec. 2, 2011), in which Respondent James A. Rathgeber (Rathgeber) was convicted of securities fraud and grand larceny under New York state law. A prehearing conference was held today. Both parties appeared.

The Division of Enforcement was granted leave, pursuant to 17 C.F.R. § 201.250, to file a motion for summary disposition. The motion for summary disposition will be due April 25, 2014. An opposition may be filed by May 23, 2014, and a reply, by May 30, 2014. Rathgeber may file a motion for summary disposition according to the same schedule.

IT IS SO ORDERED.

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