

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 2332/February 23, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-16384

In the Matter of

NICHOLAS TOMS

ORDER POSTPONING HEARING
AND SCHEDULING PREHEARING
CONFERENCE

The Securities and Exchange Commission issued an Order Instituting Cease-and-Desist Proceedings (OIP) in this matter on February 11, 2015. The OIP alleges Respondent Nicholas Toms violated Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder and directs me to issue an initial decision within 300 days after service of the OIP. A hearing is currently scheduled for March 24, 2015.

In view of the foregoing, I ORDER the following:

1. The hearing scheduled to begin on March 24, 2015, is POSTPONED and a telephonic prehearing conference shall be held on March 12, 2015, at 3:00 p.m. EDT.
2. Prior to the prehearing conference, the parties shall confer and discuss the most convenient location for the hearing in this matter and the prehearing schedule. In doing so, the parties should bear the following in mind. Respondent Toms has a right to a hearing no later than sixty days after service of the OIP. *See* 15 U.S.C. § 78u-3(b). If Mr. Toms exercises that right, the hearing in this matter will commence on April 13, 2015. Otherwise, the hearing in this matter will, at the parties' option, begin May 11, 2015, June 8, 2015, or June 15, 2015.
3. In advance of the prehearing conference, the parties shall by letter:
 - a) notify this Office of the results of their discussion;
 - b) notify this Office if Mr. Toms wishes to stand on his right, under 15 U.S.C. § 78u-3, to begin the hearing within sixty days of service of the OIP; and

c) notify this Office of the date they have agreed the hearing should begin.

4. The Division of Enforcement shall promptly notify this Office when Mr. Toms or his counsel is served with the OIP.

James E. Grimes
Administrative Law Judge