

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 2438/March 18, 2015

ADMINISTRATIVE PROCEEDING  
File No. 3-16384

In the Matter of

NICHOLAS TOMS

ORDER

The Securities and Exchange Commission issued an Order Instituting Cease-and-Desist Proceedings (OIP) in this matter on February 11, 2015. The proceeding was stayed on February 23, 2015, based on the parties' representation that they had reached an agreement in principle that would fully resolve the proceeding. On March 17, 2015, the Division of Enforcement submitted a letter reflecting that the stay has lapsed under 17 C.F.R. § 201.161(c)(2)(ii) and that the parties are available for a prehearing conference on March 26, 2015.

In view of the foregoing, I ORDER the following:

1. A telephonic prehearing conference will be held on March 26, 2015, at 2:00 p.m. EDT. In advance of the prehearing conference, the parties shall confer regarding:
  - a) whether Mr. Toms waives his right to a hearing no later than sixty days after service of the OIP, *see* 15 U.S.C. § 78u-3(b);
  - b) when the hearing will commence; and
  - c) where the hearing will be held, *see* 17 C.F.R. § 201.200(c).
2. Mr. Toms shall file his Answer to the OIP by March 26, 2015. *See* 17 C.F.R. §§ 201.111(d), .220(b)-(c).

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James E. Grimes  
Administrative Law Judge