

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

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 3194 / October 2, 2015

ADMINISTRATIVE PROCEEDING

File No. 3-16223

In the Matter of

SANDS BROTHERS ASSET MANAGEMENT, LLC,  
STEVEN SANDS,  
MARTIN SANDS, AND  
CHRISTOPHER KELLY

ORDER ON CHRISTOPHER  
KELLY'S LETTER REGARDING  
SUBPOENAS

The Securities and Exchange Commission commenced this proceeding on October 29, 2014, against Respondents. The hearing is scheduled to commence on November 9, 2015, in New York City.

On September 16, 2015, I issued several documentary subpoenas at the request of Respondent Christopher Kelly. In a letter dated October 1, 2015, Kelly claims that five subpoena recipients – Cornick Garber & Sandler LLP; Gilbride, Tusa, Last & Spellane LLC; Greenwich Fund Services; Gusrae Kaplan Nusbaum PLLC; and Blank Rome LLP – have either not responded to the subpoenas or have failed to fully comply. Kelly asks for immediate enforcement of the subpoenas.

I construe Kelly's letter as a motion to compel. I direct Kelly to serve his letter, along with this Order, on the five allegedly non-compliant subpoena recipients.

The five allegedly non-compliant subpoena recipients shall file responses by October 9, 2015. To the extent material has been withheld or redacted as privileged, the burden of establishing such privilege rests with the party asserting it. *In re Grand Jury Proceedings*, 219 F.3d 175, 182 (2d Cir. 2000); *see DiBella v. Hopkins*, 403 F.3d 102, 120 (2d Cir. 2005) ("In New York, attorney time records and billing statements are not privileged when they do not contain detailed accounts of the legal services rendered."); *Pryor v. Pryor*, No. FA084026674S, 2010 WL 654753, at \*3 (Conn. Super. Ct. Jan. 22, 2010) (similar principle advanced by Connecticut state courts). Kelly shall file a reply by October 14, 2015.

Kelly also asks that the Division of Enforcement provide him with materials on three CDs in a form he can access, because he cannot open the CDs produced to him. Kelly and the Division should notify my Office if this issue is not resolved by October 7, 2015.

Lastly, Kelly requests additional time to submit exhibits in light of the above circumstances. Regarding exhibits that may derive from material produced by the five allegedly non-compliant subpoena recipients, I will address such request once the document production as to them is resolved. Assuming the Division can provide Kelly with the requested material by October 7, I grant Kelly an extension until October 19, 2015, to furnish all other parties with his pre-marked exhibits derived from the three CDs. Kelly must furnish all other pre-marked exhibits by the October 8, 2015, deadline.

SO ORDERED.

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Cameron Elliot  
Administrative Law Judge