

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3244/October 21, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-16888

In the Matter of

PHILLIP CORY ROBERTS, and
BAY PEAK, LLC

ORDER POSTPONING HEARING AND
DIRECTING PARTIES TO HOLD A
PREHEARING CONFERENCE

On October 7, 2015, the Securities and Exchange Commission issued an Order Instituting Administrative and Cease-And-Desist Proceedings (OIP). Based on U.S. Postal Service tracking information, service was accomplished on October 9, 2015, by delivery of the OIP to Respondents' counsel of record. As a result, Respondents' Answer is due November 2, 2015. OIP at 18; 17 C.F.R. §§ 201.141(a)(2), .160(a)-(b), .220(b).

It is ORDERED that the hearing currently scheduled for November 16, 2015, is postponed *sine die*.

It is FURTHER ORDERED that the parties shall hold an initial prehearing conference without the hearing officer by November 13, 2015. By November 18, 2015, the parties shall file a joint prehearing conference statement, which addresses each numbered item in Rule of Practice 221(c), 17 C.F.R. § 201.221(c), and includes proposed due dates where applicable.

In their joint statement, the parties should specifically address whether this proceeding may be resolved fully or in part by summary disposition under Rule of Practice 250 and, if applicable, include due dates for motions for summary disposition, oppositions, and replies; and should propose a procedural schedule that will result in a hearing commencing no later than February 22, 2016. *See* 17 C.F.R. § 201.360(a)(2) ("Under the 300-day timeline, the hearing officer shall issue an order providing that there shall be approximately 4 months from the order instituting the proceeding to the hearing."). In addition, Respondents should address whether they waive their right to a hearing commencing between thirty and sixty days from service of the OIP. OIP at 17-18; *see* 15 U.S.C. § 78u-3(b).

Electronic courtesy copies of the parties' filings should be emailed to ALJ@sec.gov in PDF text-searchable format.

Cameron Elliot
Administrative Law Judge