

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 3737/March 25, 2016

ADMINISTRATIVE PROCEEDING  
File No. 3-17003

---

In the Matter of

PETER J. EICHLER, JR.

:  
:

PREHEARING ORDER

---

The Securities and Exchange Commission instituted this proceeding on December 14, 2015, pursuant to Sections 15(b) of the Securities Exchange Act of 1934 and 203(f) of the Investment Advisers Act of 1940. The proceeding is a follow-on proceeding based on *SEC v. Aletheia Research and Mgmt., Inc.*, No. 12-cv-10692 (C.D. Cal. May 11, 2015), *appeal pending*, No. 15-55887 (9th Cir.), in which Respondent Peter J. Eichler, Jr., was enjoined against violations of the antifraud provisions of the federal securities laws.

In accordance with leave granted, the Division of Enforcement filed a motion for summary disposition, pursuant to 17 C.F.R. § 201.250(a). *Peter J. Eichler, Jr.*, Admin. Proc. Rulings Release No. 3553, 2016 SEC LEXIS 317 (A.L.J. Jan. 29, 2016). The due dates for the motion for summary disposition, opposition, and reply were February 15, March 16, and March 30, 2016, respectively. *Id.* The Division submitted a brief “Reply,” dated March 24, 2016, stating that it “has not been served with any opposition, and the Office of the Secretary indicates that no opposition has been filed with the Commission.” The Office of Administrative Law Judges (OALJ) received Eichler’s opposition on March 24. However, because Eichler made every effort to file the opposition on March 16, this is deemed timely. He sent it overnight by FedEx; the envelope shows the shipping date as March 15 and displays the tracking number 7826 0296 9164. The FedEx website<sup>1</sup> shows “Actual delivery” of the item on March 16, 2016, at 9:41 a.m. at the Commission’s headquarters in Washington, D.C.<sup>2</sup> Eichler is reminded that he must serve the Division with any filings with the Commission or any communications with OALJ. In light of the above circumstances, the Division may supplement its reply by April 15, 2016.

IT IS SO ORDERED.

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

---

<sup>1</sup> <https://www.fedex.com/apps/fedextrack> (lasted visited March 24, 2016).

<sup>2</sup> It is noted that the Office of the Secretary recorded the filing date of the Division’s motion for summary disposition as February 16, 2016.