

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 4317/November 2, 2016

ADMINISTRATIVE PROCEEDING  
File No. 3-17387

In the Matter of

DONALD F. (“JAY”) LATHEN, JR.,  
EDEN ARC CAPITAL MANAGEMENT, LLC, and  
EDEN ARC CAPITAL ADVISORS, LLC

ORDER ON THE DIVISION’S  
DISCLOSURES

In response to an order I issued, Respondents’ counsel, Harlan Protass, submitted a declaration detailing the difficulties involved in searching the evidence the Division of Enforcement has disclosed to Respondents under Rule of Practice 230, 17 C.F.R. § 201.230. Counsel for the Division, Janna I. Berke, filed a responsive declaration disputing Mr. Protass’s claims.

At the conclusion of her declaration, Ms. Berke offers that if Respondents had “brought their technical issues to the Division for assistance[,] . . . the Division would have made its IT staff available to Respondents or to Respondents’ counsel’s IT staff or vendor to attempt to sort out the problems they cite.” Berke Decl. at 10. She adds that “[t]he Division . . . remains available to attempt to work through these issues with Respondents or their vendor.” *Id.*

Taking the Division at its word, I direct the parties to work together in good faith in the fashion offered by Ms. Berke. The parties shall file a status report within twenty-one days informing me of their progress.

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James E. Grimes  
Administrative Law Judge