

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 4840 / May 31, 2017

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 GRANTING MOTION TO  
ADMIT FINANCIAL DISCLOSURE  
FORM

On May 26, 2017, Respondents filed their post-hearing reply brief. Respondents argued that Mr. Lathen does not have the ability to pay disgorgement or any civil penalty, citing Mr. Lathen’s financial disclosure form in support. Reply Br. at 17. Respondents requested that the financial disclosure form be admitted into evidence under seal as “its non-admission was an oversight in that all parties ... expected that it had been and would have been entered into evidence.” *Id.* The Division of Enforcement submitted a letter objecting to the motion to admit the financial disclosure form as untimely.

I GRANT the motion to admit Mr. Lathen’s financial disclosure form. Respondents are directed to file the form under seal with the Office of the Secretary by June 2, 2017. The Division is granted leave to file a surreply addressing Respondents’ inability to pay argument by June 9, 2017.

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Jason S. Patil  
Administrative Law Judge