

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

Administrative Proceedings Rulings
Release No. 5258 / December 5, 2017

Administrative Proceeding
File No. 3-18099

In the Matter of

**Black Diamond Asset
Management LLC and
Robert Wilson**

**Order Vacating Procedural
Schedule and Implementing
the Securities and Exchange
Commission's Order on
Pending Administrative
Proceedings**

On November 30, 2017, the Securities and Exchange Commission ratified the appointments of its administrative law judges and directed them to take certain actions in all pending proceedings. *See Pending Admin. Proc.*, Securities Act of 1933 Release No. 10440, 2017 SEC LEXIS 3724, at *1–2. In its order, the Commission directed me to give the “parties until January 5, 2018 to submit any new evidence [they] deem relevant [my] reexamination of the record.” *Id.* at *2. This order implements the Commission’s directive.

The parties are directed to review the Commission’s order, which is found here: <https://www.sec.gov/litigation/opinions/2017/33-10440.pdf>. I VACATE the current procedural schedule and DENY AS MOOT the Division’s motion for an extension of time in which to file a reply in support of its motion for sanctions. *See* 17 C.F.R. § 201.161(a)–(b)(1).¹ I will set a new schedule in a future order. The parties are granted “until January 5, 2018 to submit any *new* evidence [they] deem relevant to [my] reexamination of the

¹ Shortly after the Commission issued its November 30 order, I entered a similar order. *See Black Diamond Asset Mgmt. LLC*, Admin. Proc. Rulings Release No. 5246, 2017 SEC LEXIS 3734 (ALJ Nov. 30, 2017). But that order predated the ratification of my assignment to this proceeding by the chief administrative law judge. *See Pending Admin. Proc.*, Admin. Proc. Rulings Release No. 5247 (ALJ Dec. 4, 2017), <https://www.sec.gov/alj/aljorders/2017/ap-5246.pdf>.

record.” *Pending Admin. Proc.*, 2017 SEC LEXIS 3724, at *2 (emphasis added).

Any party that submits evidence must contemporaneously file a brief explaining the relevance, materiality, and reliability of the evidence submitted. *See* 17 C.F.R. § 201.320(a). The brief should also address whether I should “ratify or revise in any respect” any action that I have taken in this proceeding. *Pending Admin. Proc.*, 2017 SEC LEXIS 3724, at *2; *see Wilkes-Barre Hosp. Co. v. NLRB*, 857 F.3d 364, 371–72 (D.C. Cir. 2017). If a party declines to submit evidence, it may nonetheless submit a brief no later than January 5, 2018, addressing whether I should “ratify or revise in any respect” any action that I have taken in this proceeding. Absent leave to exceed the limit, a party’s brief may not exceed 5,000 words in length. A party may file a brief in opposition, not to exceed 3,000 words, by January 19, 2018.

James E. Grimes
Administrative Law Judge