

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

Administrative Proceedings Rulings
Release No. 5709 / May 1, 2018

Administrative Proceeding
File No. 3-18405

In the Matter of

New Global Energy, Inc.

**Order Granting Motion for
Protective Order, Denying
Motion for Continuance, and
Directing Parties to Hold a
Prehearing Conference**

Respondent asked for the two exhibits attached to its answer to be filed under seal “out of an abundance of caution.” Although Respondent has not provided a factual basis for sealing the exhibits, I have reviewed them and they contain the type of detailed business information that could put Respondent at a competitive disadvantage if publicly disclosed. And while the exhibits offer some color for Respondent’s assertion that it is not a shell company, the order instituting proceedings (OIP) does not allege that it is, and I find the reports of limited relevance. For these reasons, I find that the harm resulting from disclosure likely outweighs the benefits of disclosure. 17 C.F.R. § 201.322(b). The exhibits shall be maintained under SEAL and shall be disclosed only to (1) the parties to this action and their counsel and trial teams, including any experts and contractors; (2) witnesses called in this proceeding; and (3) the Commission, including its staff, employees, and contractors.

In its answer, Respondent requested a continuance until July 9, 2018. The Commission has a policy of “strongly disfavoring” such requests, particularly where there is no showing of prejudice and the request exceeds twenty-one days. 17 C.F.R. § 201.161(b), (c)(1). Respondent’s reason for requesting additional time is to bring its periodic filings current. As alleged in the OIP, Respondent has had more than one year to complete its filing obligations, and it may continue to work on becoming current as the proceeding progresses. I therefore find no undue prejudice in moving forward with this proceeding under the normal timeframe. *See* 17 C.F.R. § 201.360(a)(2)(ii). Respondent’s request for a continuance is DENIED.

I direct the parties to hold an initial prehearing conference without the hearing officer to discuss each numbered item in Rule of Practice 221(c), 17 C.F.R. § 201.221(c). By May 15, 2018, the parties shall file a joint prehearing conference statement reflecting the results of their conference. That statement must address each numbered item in Rule of Practice 221(c), include proposed due dates where applicable (the parties may denote that an item is “not applicable” in their filing), and propose a procedural schedule for the filing of motions for summary disposition under 17 C.F.R. § 201.250(b). Based on the prehearing statement, a subsequent prehearing conference with the hearing officer will be scheduled if appropriate. If the parties are unable to hold a prehearing conference within the time provided, the Division of Enforcement shall promptly notify my office.

SO ORDERED.

Cameron Elliot
Administrative Law Judge