

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

Administrative Proceedings Rulings  
Release No. 6001 / September 18, 2018

Administrative Proceeding  
File No. 3-18129

In the Matter of

**Brian Michael Berger**

**Order Following Reassignment**

This proceeding was assigned to me following the Securities and Exchange Commission's order dated August 22, 2018, which remanded this matter for further proceedings. *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10536, 2018 SEC LEXIS 2058, at \*2-3; *Pending Admin. Proc.*, Admin. Proc. Rulings Release No. 5955, 2018 SEC LEXIS 2264 (ALJ Sept. 12, 2018). I direct the parties to submit proposals for the conduct of further proceedings by October 9, 2018. The parties should confer and, if possible, submit a joint proposal that reflects any agreement regarding service of the order instituting proceedings (OIP) and addresses the numbered items referenced in 17 C.F.R. § 201.221(c). The joint proposal or, in the absence of a joint proposal, the parties' separate proposals should also include the parties' availability between October 10 and October 19, 2018, for a telephonic prehearing conference. If the Division of Enforcement is unable to contact Respondent, it should submit a notice to that effect by October 9, 2018.

If Respondent fails to participate by not submitting a proposal, and I find that he has been served with the OIP but never filed an answer, I may enter an initial decision of default against him. *Pending Admin. Proc.*, 2018 SEC LEXIS 2058, at \*4; 17 C.F.R. §§ 201.155(a)(2), .220(f).

---

James E. Grimes  
Administrative Law Judge