

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

Administrative Proceedings Rulings
Release No. 6099 / September 26, 2018

Administrative Proceeding
File No. 3-17115

In the Matter of
Louis V. Schooler

**Order Scheduling
Prehearing Conference**

On September 25, 2018, the Division of Enforcement submitted a status report regarding Respondent's possible death and his counsel's attempt to withdraw his representation. The Division stated that it conferred with Respondent's counsel on September 21, 2018, and that he maintained that he lacked authority to continue to act on behalf of Respondent. The status report also provided the Division's availability for a prehearing conference.

A telephonic prehearing conference will be held on October 11, 2018, at 3:00 p.m. EDT, to discuss how this matter should proceed. *See Pending Admin. Proc.*, Securities Act of 1933 Release No. 10536, 2018 WL 4003609, at *1 (Aug. 22, 2018). The Division should circulate dial-in instructions to all parties in advance of the conference and should be prepared to address, among other topics, the following:

- (1) The available evidence of Respondent's death and, in particular, the weight that I should accord the consular report of death issued with respect to Respondent.
- (2) The effect of Respondent's counsel's motion to withdraw given that he was (in theory) not able to comply with Rule of Practice 102(d)(4)'s requirement that the motion be served on Respondent himself. *See* 17 C.F.R. § 201.102(d)(4); *BDO China Dahua CPA Co., Ltd.*, Exchange Act Release No. 72134, 2014 WL 1871077, at *2-4 & n.11 (May 9, 2014). And whether

I am permitted to nevertheless accept his withdrawal under some other rule. *See, e.g.*, 17 C.F.R. § 201.111.

- (3) In the event that I determine that Respondent is deceased, the appropriate resolution of this proceeding. *See, e.g.*, 17 C.F.R. § 200.30-10(a)(8).

James E. Grimes
Administrative Law Judge