
On December 10, 2014, this Office received, by email, a letter from Respondent (Letter Motion), requesting that the due date for the motions for summary disposition be extended five calendar days to allow him time to incorporate the Second Circuit’s decision in Newman/Chiasson, which was issued on December 10, 2014, into his motion. Respondent represents that the Division of Enforcement consents to the extension but also wants the due dates for the opposition and replies extended by five days.

The Letter Motion is addressed to me, and although Respondents may well have filed the Letter Motion with the Commission’s Office of the Secretary (OS), the Letter Motion does not so state. See 17 C.F.R. 201.151 (motions must be filed with OS). I accept motions, including this one, that are formatted as letters, a practice which is apparently common in New York City. However, in Commission administrative proceedings relief is more properly requested by filing a motion with the administrative law judge rather than sending a letter addressed to the administrative law judge. See 17 C.F.R. 201.152 (specifying the form of motions). I note that the Commission’s Rules of Practice do not require that motions be bound, as with Respondent’s Motion to Stay, filed November 18, 2014, only that they be stapled in the upper left corner. 17 C.F.R. 201.152(a)(6). Also, I consider the requirement that a motion be “accompanied by a written brief of the points and authorities relied upon” satisfied where the motion and the written brief are combined in one document. 17 C.F.R. 201.154(a).
Accordingly, I ORDER that the schedule for the filing of the motions for summary disposition, oppositions, and replies shall all be extended by five days. Motions for summary disposition are now due December 17, 2014, oppositions are due January 14, 2015, and replies to motions for summary disposition are due January 26, 2015.¹

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Cameron Elliot
Administrative Law Judge

¹ Replies are extended to January 26 instead of January 25, 2015, which is a Sunday.