

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 2128/December 12, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-16198

In the Matter of

GAETON S. DELLA PENNA

ORDER EXTENDING TIME TO ANSWER

The Securities and Exchange Commission issued an Order Instituting Proceedings on October 15, 2014, pursuant to Section 203(f) of the Investment Advisers Act of 1940, against Respondent Gaeton S. Della Penna (Della Penna). A prehearing conference was held on December 5, 2014, during which I set a briefing schedule for motions for summary disposition. Della Penna was ordered to file his Answer by December 15, 2014.

On December 11, 2014, this Office received a motion from Della Penna, requesting an extension of time to file an Answer, explaining that he is seeking to obtain counsel and is reluctant to respond before engaging counsel. Della Penna requests until February 2, 2015, to file his Answer. I find that Della Penna has shown good cause for an extension of time to file an Answer, but a six-week extension is too long. I ORDER that Della Penna's Answer is now due by January 9, 2015. 17 C.F.R. § 201.161. This extension will not prejudice the Division of Enforcement, as it will still have nearly a month following Della Penna's Answer to file its motion for summary disposition. Absent extraordinary circumstances, which do not include Della Penna's inability to obtain counsel, there will be no further extensions of time.

Cameron Elliot
Administrative Law Judge