
On January 21, 2015, this Office received a letter from Respondent’s counsel (Letter) requesting that the approaching deadline for filing motions for summary disposition be moved from February 6, 2015, to February 27, 2015, and that the deadlines for filing oppositions and replies be similarly extended by three weeks.

The Letter is addressed to me, and although Respondent may well have filed the Letter with the Commission’s Office of the Secretary (OS), the Letter 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 common in New York City. However, in Commission administrative proceedings, relief is more properly requested by filing a motion with OS (with an electronic courtesy copy directed to the administrative law judge at alj@sec.gov) 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, 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. See 17 C.F.R. § 201.154(a).

Requests for an extension of time are governed by Rule 161 of the Commission’s Rules of Practice, which mandates that I adhere to a policy strongly disfavoring such requests, except
in circumstances where the requesting party makes a strong showing that the denial of the request would substantially prejudice that party’s case. 17 C.F.R. § 201.161(b)(1). The Letter fails to provide any reason for the requested three-week extension. The OIP was filed nearly three months ago and, after discussion during the December 1, 2014, prehearing conference, Respondent’s counsel agreed that the briefing deadlines were acceptable. In addition, the Letter conveys that the Division has declined to take a position on the matter, rather than agreeing to an extension.

Accordingly, I find that Respondent has failed to make a showing that he will be substantially prejudiced by my adherence to the original briefing deadlines, and his request that these deadlines be extended is DENIED WITHOUT PREJUDICE.

SO ORDERED.

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Cameron Elliot
Administrative Law Judge