

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 2961/July 22, 2015

ADMINISTRATIVE PROCEEDING  
File No. 3-15873

In the Matter of

THOMAS R. DELANEY II and  
CHARLES W. YANCEY

ORDER FOLLOWING ORAL ARGUMENT

An Initial Decision was issued in this matter on March 18, 2015, and on April 29, 2015, the Securities and Exchange Commission issued a finality order. *Thomas R. Delaney II*, Securities Exchange Act of 1934 Release No. 74843, 2015 SEC LEXIS 1636; Initial Decision Release No. 755, 2015 SEC LEXIS 1014. On May 29, 2015, Respondent Thomas R. Delaney filed a Motion for Attorney's Fees and Costs Under the Equal Access to Justice Act (EAJA).

An oral argument on Delaney's EAJA motion was held today. During the argument, the Division agreed to submit a letter by July 31, 2015, which: (1) identifies the evidence it seeks to introduce in support of its opposition to the EAJA motion that is not included in the record index issued by the Commission on February 24, 2015; (2) states its position on whether such evidence could have been introduced during the hearing in this proceeding; and (3) explains its position regarding whether the investigative testimony at issue in *Michael Flanagan*, Exchange Act Release No. 49979, 2004 SEC LEXIS 1447, at \*26-27 (July 7, 2004), was admitted at the underlying hearing in *Flanagan*. See 17 C.F.R. § 201.55(a). Delaney shall have until August 7, 2015, to file a response. The Division's letter and Delaney's response should not exceed three pages each.

SO ORDERED.

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Jason S. Patil  
Administrative Law Judge