

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3966/July 6, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-16228

In the Matter of

NAVAGATE, INC., and
GREGORY RORKE

ORDER DENYING REQUEST
FOR EXTENSION OF TIME

On October 31, 2014, the Securities and Exchange Commission issued an order instituting proceedings against Respondents. This proceeding was stayed from December 4, 2014, to June 7, 2016. *Navagate, Inc.*, Admin. Proc. Rulings Release No. 3897, 2016 SEC LEXIS 2019 (ALJ June 7, 2016).

Presently, Respondents' answer is due July 8, 2016, and motions for summary disposition are due July 29, 2016. *Navagate Inc.*, Admin. Proc. Rulings Release No. 3916, 2016 SEC LEXIS 2101 (ALJ June 14, 2016). On July 6, 2016, Respondents submitted a letter to this office requesting an extension of thirty days on the deadline for filing an answer, and representing that the Division of Enforcement does not object to such an extension.

Respondents' request is DENIED. I have considered the factors recited in Rule 161 regarding extensions of time. *See* 17 C.F.R. § 201.161(b)(1). Although some factors weigh in favor of granting an extension, there are two overriding concerns. First, with the requested extension, Respondents' answer will be due after motions for summary disposition are filed. But Respondents must formally file an answer before the parties may properly file motions for summary disposition. *See* 17 C.F.R. § 201.250(a). Although Respondents state that they have discussed modification of the briefing schedule with the Division, any modification to the briefing schedule would adversely affect my ability to issue the initial decision on time. Second, requests for extensions of time are "strongly disfavor[ed]," except where the requesting party makes a "strong showing" that denial "would substantially prejudice their case." 17 C.F.R. § 201.161(b)(1). Although the outcome of Rorke's sentencing will likely influence whatever relief the Division requests in this proceeding, it is not clear how filing an answer in two days (rather than in one month) will substantially prejudice Respondents.

SO ORDERED.

Cameron Elliot
Administrative Law Judge