

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

Administrative Proceedings Rulings
Release No. 5076 / September 21, 2017

Administrative Proceeding
File No. 3-18127

In the Matter of
Martin Shkreli

**Order Following
Prehearing Conference**

Counsel for the Division of Enforcement and counsel for Respondent appeared telephonically at a prehearing conference held yesterday. During the conference, it was established that Respondent was served with the order instituting this proceeding (OIP) on August 25, 2017; Respondent submitted his answer to the OIP on September 6, 2017. The parties agreed that the Division has made its investigative file available to Respondent, under Commission Rule of Practice 230, 17 C.F.R. § 201.230.

I also set a briefing schedule for the Division's dispositive motion, which it should file by October 11, 2017. Respondent's opposition to the Division's motion is due November 1, 2017, and the Division's reply is due November 13, 2017. The motion should include legal analysis and evidentiary support for the allegations and requested sanction in accordance with *Rapoport v. SEC*, 682 F.3d 98, 108 (D.C. Cir. 2012), and *Ross Mandell*, Securities Exchange Act of 1934 Release No. 71668, 2014 WL 907416, at *2 (Mar. 7, 2014), *vacated in part on other grounds*, Exchange Act Release No. 77935, 2016 WL 3030883 (May 26, 2016).

In addition, the parties are to confer regarding a prehearing schedule and possible hearing dates, in case a hearing is necessary, and inform my office of the results of their discussions by October 5, 2017.

Finally, the parties agreed to serve each other via e-mail and to e-mail my office (at alj@sec.gov) courtesy copies of any filings, in PDF text-searchable format if possible, as well as complying with the rules regarding service contained in the Commission's Rules of Practice. Exhibits

should be e-mailed as separate attachments, not as a combined PDF file, and accompanied by a declaration of counsel.

James E. Grimes
Administrative Law Judge