

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

Administrative Proceedings Rulings
Release No. 5292 / December 6, 2017

Administrative Proceeding
File No. 3-18202

In the Matter of

**Penny Auction Solutions, Inc.,
Sebring Software, Inc., and
Studio II Brands, Inc.**

**Notice to the Parties and
Order Following Remand**

Following issuance of the initial decision in this case, the Securities and Exchange Commission remanded this and every case pending before it on appeal. *See Pending Admin. Proc.*, Securities Act of 1933 Release No. 10440, 2017 SEC LEXIS 3724 (Nov. 30, 2017). The order is available at <https://www.sec.gov/litigation/opinions/2017/33-10440.pdf>. In the order, the Commission directed me to take certain actions in this proceeding.

The parties are directed to review the Commission's decision in the order. Consistent with the order, the parties are granted "until January 5, 2018 to submit any new evidence the parties deem relevant to [my] reexamination of the record." *Pending Admin. Proc.*, 2017 SEC LEXIS 3724, at *3. Any party that submits new evidence must contemporaneously file a brief explaining the relevance, materiality, and reliability of the evidence submitted. *See* 17 C.F.R. § 201.320(a). The brief should also address whether I should "ratify or revise in any respect" any action I have taken in this proceeding. *Pending Admin. Proc.*, 2017 SEC LEXIS 3724, at *3; *see Wilkes-Barre Hosp. Co. v. NLRB*, 857 F.3d 364, 371–72 (D.C. Cir. 2017). If a party declines to submit evidence, it may nonetheless submit a brief no later than January 5, 2018, addressing whether I should "ratify or revise in any respect" any action I have taken in this proceeding. A party's brief may not exceed

4,000 words in length. A party may file a brief in opposition, not to exceed 2,500 words, by January 16, 2018.

James E. Grimes
Administrative Law Judge