

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

Administrative Proceedings Rulings
Release No. 5429 / January 2, 2018

Administrative Proceeding
File No. 3-17184

In the Matter of

Christopher M. Gibson

Order on Motion to Extend Time

Issue

On December 20, 2017, Respondent moved to extend the time for filing new evidence and a brief from January 5, 2018, to April 6, 2018. As good cause, Respondent cites the voluminous record, the complexity of the issues, and counsel's competing obligations. Mot. at 2.

On December 26, 2017, the Division of Enforcement filed an opposition arguing that Respondent has not shown good cause, but stating that it is agreeable to an extension to January 26, 2018. Opp. at 2-3.

On December 28, 2017, Respondent replied to the Division's opposition. Respondent argues that the Division has misstated the applicable standard and that the submission of new evidence "necessarily requires the review of the record and the analysis of factual and legal issues." Reply at 3. Respondent claims the Division used the same general language it complains about here to support a seven-day extension request for filing its post-hearing brief and Respondent did not oppose the Division's request. *Id.* at 3-4.

Background

This proceeding began with an order instituting proceedings on March 29, 2016. I issued an initial decision on January 25, 2017, and the Commission granted Respondent's petition for review on March 6, 2017. *See Christopher M. Gibson*, Initial Decision Release No. 1106, 2017 SEC LEXIS 234; Exchange Act Release No. 80163, 2017 SEC LEXIS 700. Briefing before the Commission was completed on July 3, 2017.

The Commission remanded this proceeding to me on November 30, 2017. Its order directed me to consider any new evidence that the parties deem relevant to my reexamination of the record and empowered me to modify the deadlines set out in its order for good cause shown. *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10440, 2017 SEC LEXIS 3724.

On December 12, 2017, as directed, I issued an order allowing the parties to submit new evidence and a brief by January 5 and responsive briefs by January 16, 2018. *Christopher M. Gibson*, Admin. Proc. Rulings Release No. 5371, 2017 SEC LEXIS 4042.

Ruling

The Commission's remand order provides that the administrative law judge may modify any of the deadlines set out in the order for good cause shown.

Respondent has not satisfied the good cause standard because he has not shown that producing new evidence would take three months even assuming the review and analysis he claims is necessary, and he has not identified any obligations that would prevent counsel from completing this task in the near future. Accordingly, I DENY IN PART the request, but in an attempt to reach an accommodation will grant about half the time requested, I EXTEND the deadlines, as follows:

- (1) Each party may submit new evidence and a brief by February 14, 2018.
- (2) If either party chooses to submit a brief by February 14, the other party will have until March 1 to file a responsive brief.
- (3) The deadline for my ruling upon reconsideration of the record is March 30, 2018.

Brenda P. Murray
Chief Administrative Law Judge