

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

Administrative Proceedings Rulings
Release No. 6482 / March 5, 2019

Administrative Proceeding
File No. 3-18508

In the Matter of
Gregory M. Bercowy

**Order Setting Briefing
Schedule and Scheduling
Prehearing Conference**

On November 29, 2018, the administrative law judge previously assigned to this matter ordered the parties to submit proposals for the conduct of further proceedings. The Division of Enforcement proposed setting a schedule for the submission of motions for summary disposition. Respondent did not submit a proposal. On March 4, 2019, the Chief Administrative Law Judge reassigned this proceeding to me.

I ORDER that any motion for summary disposition will be due no later than March 26, 2019. Any opposition will be due April 16, 2019. Any reply to an opposition will be due April 26, 2019. See 17 C.F.R. §§ 201.154(b), .161(a), .250(f)(2). If the Division files a motion for summary disposition, 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).

By March 26, 2019, the Division shall provide a certification that it has complied with Rule of Practice 230, which requires it to make documents available to Respondent for inspection and copying and is a prerequisite for a motion for summary disposition in a case of this type. 17 C.F.R. §§ 201.230, .250(b).

In addition to complying with the rules regarding service contained in the Securities and Exchange Commission's Rules of Practice, courtesy copies of any filings should be e-mailed to my office at alj@sec.gov, in PDF text-

searchable format if possible. Exhibits should be e-mailed as separate attachments, not as a combined PDF file, and accompanied by a declaration.

Finally, I ORDER that a telephonic prehearing conference will be held on March 15, 2019, at 11:00 a.m. EDT.

James E. Grimes
Administrative Law Judge