

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

Administrative Proceedings Rulings
Release No. 6783 / August 11, 2020

Administrative Proceeding
File No. 3-15755

In the Matter of
Mark Feathers

**Order Clarifying Rules
of Practice and
Extending Deadline
for Opposition to Motion
for Summary Disposition**

Respondent Mark Feathers asked for clarification about whether this proceeding was instituted under the 30-, 75-, or 120-day timeline. The Securities and Exchange Commission's order remanding this proceeding stated that "[f]or purposes of applying the amended Rules of Practice, this proceeding shall be deemed to be one under the 75-day timeframe as specified in Rule of Practice 360(a)(2)."¹ A party need not seek leave to file a motion for

¹ *Mark Feathers*, Securities Exchange Act of 1934 Release No. 87226, 2019 SEC LEXIS 3679, at *3 n.9 (Oct. 4, 2019). Under the 75-day timeframe, I must file my initial decision within 75 days running from the occurrence of one of these events:

- (A) The completion of post-hearing briefing in a proceeding where the hearing has been completed; or
- (B) The completion of briefing on a § 201.250 motion in the event the hearing officer has determined that no hearing is necessary; or
- (C) The determination by the hearing officer that, pursuant to § 201.155, a party is deemed to be in default and no hearing is necessary.

17 C.F.R. § 201.360(a)(2)(i). None of these events has occurred in this case.

summary disposition in a case under the 75-day timeframe.²

Respondent argues that he lacks certain evidentiary materials that would assist his opposition to the Division of Enforcement's motion for summary disposition. Under Rule 250(b), "[i]f it appears that a party, for good cause shown, cannot present prior to the hearing facts essential to justify opposition to the motion, the hearing officer shall deny or defer the motion."³ Respondent should, in his opposition to the Division's motion, identify the essential facts he believes the evidentiary materials would show.

Respondent also requested a one-week extension of the opposition deadline. That request is GRANTED. Respondent's opposition deadline is now August 21, 2020. The Division may reply by August 31, 2020.

James E. Grimes
Administrative Law Judge

Served by e-mail on all participants.

² 17 C.F.R. § 201.250(b).

³ *Id.*