

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933
Release No. 10879 / October 26, 2020

SECURITIES EXCHANGE ACT OF 1934
Release No. 90271 / October 26, 2020

Admin. Proc. File No. 3-16509

In the Matter of

EDWARD M. DASPIN, A/K/A “EDWARD
(ED) MICHAEL”

ORDER DENYING MOTION FOR EXTENSION OF TIME

On April 16, 2020, we granted Edward M. Daspin’s petition for review of an administrative law judge’s initial decision finding that Daspin had violated antifraud and registration provisions of the federal securities laws and imposing sanctions (the “Scheduling Order”).¹ In doing so, we ordered that Daspin’s opening brief in support of his petition for review be filed by May 18, 2020.² Daspin was subsequently granted repeated requests for extensions of time to file his opening brief, with the Commission most recently ordering that Daspin’s opening brief be filed by September 2, 2020; the Division of Enforcement’s brief in opposition by October 2, 2020; and Daspin’s reply brief by October 16, 2020.³

After Daspin and the Division filed their opening and opposition briefs, Daspin sought an extension of time in which to file his reply brief. The Division opposed the request, but consented to an extension to October 19, 2020. After observing that Daspin had “repeatedly

¹ *Edward M. Daspin*, Exchange Act Release No. 88661, 2020 WL 1903932, at *1 (Apr. 16, 2020).

² *Id.* (ordering the Division’s opposition brief be filed by June 17, 2020 and any reply brief by July 1, 2020).

³ *Edward M. Daspin*, Exchange Act Release No. 89448, 2020 WL 4463315, at *7 (Aug. 3, 2020); *see also generally id.* at *1 (outlining Daspin’s requests for extensions of time).

attempted to avoid or delay a resolution” in this proceeding by submitting “filings [that] often provide no factual or legal support for the relief he requests,” Daspin was granted an additional week in which to file his reply brief—to October 23, 2020.⁴ Daspin was warned that future requests for an extension of the time to file the reply brief would be disfavored.⁵

Instead of filing his reply brief, Daspin filed a motion for an additional extension of the time in which to do so. It is unclear how much additional time he seeks, other than that he “request[s] that [the Commission] permit the extension that I need to finish this case.” In his filing, Daspin makes a vague claim, without offering any evidentiary support, that because of health issues he will be “irreparably harmed . . . by submitting declarations.”⁶ We find that Daspin’s claims do not establish the necessary good cause for an additional extension.⁷ Indeed, Daspin’s claim that he needs more time to file his reply brief is belied by the fact that Daspin’s extension request was more than 9,000 words and was 17 single-spaced pages—which substantially exceeds the length limitations for reply briefs.⁸

⁴ *Edward M. Daspin*, Exchange Act Release No. 91098, 2020 WL 6112194, at *1 (Oct. 15, 2020) (citing *Daspin*, 2020 WL 4463315, at *1, *6–7; *Daspin*, 2020 WL 1903932, at *1).

⁵ *Id.*; *cf.* 2020 WL 4463315, at *1, *6–7 (citing *Wong v. Regents of the Univ. of Cal.*, 410 F.3d 1052, 1060 (9th Cir. 2005) (warning parties of possible sanctions for failure to comply strictly with scheduling and other orders); *Bernal v. Daewoo Motor Am., Inc.*, No. 09-1502, 2011 WL 2174890, at *2 (D. Ariz. June 2, 2011) (denying untimely motion to amend a scheduling order where the court had warned that it would not grant additional extensions); *Agee v. Averitt Express, Inc.*, No. 08-1783, 2010 WL 11614627, at *5 (N.D. Ala. Feb. 19, 2010) (dismissing proceeding with prejudice for plaintiff’s failure to appear for a deposition where, among other things, the magistrate had warned that he would not grant another extension).

⁶ Daspin does not explain his reference to “declarations.” At other points in his request, he refers to his “brief” and we assume that the request relates to the due date for his reply.

⁷ See Rule of Practice 161(a), 17 C.F.R. § 201.161(a) (stating that parties may seek extensions of time for “good cause shown”); see also *In re: Pending Admin. Proceedings*, Exchange Act Release No. 88415, 2020 WL 1322001, at *1 (Mar. 18, 2020) (stating that, “pending further order of the Commission, all *reasonable* requests for extensions of time will not be disfavored as stated in Rule 161” (emphasis added) (citing 17 C.F.R. § 201.161(b)(1))).

⁸ See Rule of Practice 152(a)(5), 17 C.F.R. § 201.152(a)(5) (requiring filings to be double spaced); Rule of Practice 450(c), 17 C.F.R. § 201.450(c) (requiring that reply briefs not exceed 7,000 words); Rule of Practice 450(d), 17 C.F.R. § 201.450(d) (stating that, if a reply brief exceeds 15 pages, the party must provide a certification as to the number of words in the brief).

Therefore, it is ORDERED that Edward M. Daspin's motion for an extension of time is denied.

For the Commission, by its Secretary, pursuant to delegated authority.⁹

Vanessa A. Countryman
Secretary

⁹ 17 C.F.R. § 200.30-7(a)(4).