

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 87736 / December 12, 2019

Admin. Proc. File No. 3-19577

In the Matter of  
  
HOWARD J. ALLEN III,  
  
Respondent.

ORDER GRANTING EXTENSION OF TIME

On October 7, 2019, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against Howard J. Allen III, pursuant to Section 15(b) of the Securities Exchange Act of 1934.<sup>1</sup> The OIP ordered Allen to file an answer to the allegations contained therein within 20 days of service of the OIP.<sup>2</sup> The OIP also directed Allen and the Division of Enforcement to conduct a prehearing conference within 14 days of service of Allen’s answer.<sup>3</sup> Allen served his answer on the Division on October 25, 2019.

On November 5, 2019, we granted Allen’s unopposed request for a one-week extension of time to conduct a prehearing conference with the Division and ordered the parties to conduct the prehearing conference by November 15, 2019.<sup>4</sup> On December 4, 2019, the Division filed a statement noting that the parties had conferred as directed and that the Division intended to move for summary disposition. On December 5, 2019, the Division filed a motion for summary disposition requesting “that full industry (collateral) bars under Section 15(b)(6)(A) should be imposed against Allen.”

On December 6, 2019, Allen submitted a letter requesting an extension of time to file a brief in opposition to the Division’s motion for summary disposition.<sup>5</sup> Allen’s counsel states that

<sup>1</sup> *Howard J. Allen III*, Exchange Act Release No. 87239, 2019 WL 4954619 (Oct. 7, 2019).

<sup>2</sup> *Id.* at \*2.

<sup>3</sup> *Id.*

<sup>4</sup> *Howard J. Allen III*, Exchange Act Release No. 87467, 2019 WL 5722076 (Nov. 5, 2019).

<sup>5</sup> Allen submitted the letter by email to the APFilings@sec.gov mailbox, and by facsimile. We remind the parties that filings emailed to APFilings@sec.gov are courtesy copies and not

he requires additional time to respond to the Division's motion due to "the seriousness of the remedies sought" and "limited counsel availability" over the next month. Counsel further states that the parties have conferred and "jointly request" that the deadlines for briefing on the Division's motion be extended such that Allen's opposition brief would be due January 9, 2020, and the Division's reply brief would be due January 23, 2020.

Extensions of time are disfavored. Under the circumstances, however, it appears appropriate to grant the parties' joint request. Accordingly, pursuant to Commission Rule of Practice 161 and for good cause shown,<sup>6</sup> it is ORDERED that Allen's time for filing a brief in opposition to the Division's motion for summary disposition is extended to January 9, 2020, and the time for filing the Division of Enforcement's reply brief is extended to January 23, 2020.

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman  
Secretary

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substitutes for compliance with the Rules of Practice governing the filing of papers, including the requirement that a certificate of service be included with all filings. *See generally* 17 C.F.R. § 201.150–201.153.

<sup>6</sup> *See* 17 C.F.R. § 201.161.