

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1353/April 1, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15755

In the Matter of

MARK FEATHERS

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ORDER

The Securities and Exchange Commission (Commission) instituted this proceeding with an Order Instituting Proceedings (OIP) on February 18, 2014, pursuant to Section 15(b) of the Securities Exchange Act of 1934. The proceeding is a follow-on proceeding based on SEC v. Small Business Capital Corp., No. 5:12-cv-3237 (N.D. Cal. Nov. 6, 2013), appeal pending, No. 13-17304 (9th Cir.), in which Respondent Mark Feathers (Feathers) was enjoined against violations of the antifraud and registration provisions of the federal securities laws.

At the March 24, 2014, prehearing conference, the Division of Enforcement (Division) was granted leave, pursuant to 17 C.F.R. § 201.250, to file a motion for summary disposition. Mark Feathers, Admin. Proc. Rulings Release No. 1333, 2014 SEC LEXIS 1057 (March 25, 2014). The due date for the motion for summary disposition is April 7, 2014; for Feathers's opposition, May 5, 2014; and for the Division's reply, May 12, 2014. Id. On April 1, 2014, Feathers requested a thirty-day postponement of these dates, relying on 17 C.F.R. § 201.202. That rule, however, does not apply in this proceeding. See 17 C.F.R. § 201.202(a) ("In any proceeding other than an enforcement or disciplinary proceeding . . ."). Further, Feathers has not shown good cause, pursuant to 17 C.F.R. § 201.161, for a postponement. While he states that a postponement will provide an opportunity for settlement discussions, this argument is undercut by the fact that the Division has not joined in his postponement request. Also, the parties can discuss settlement at any time, and the due date for Feathers's opposition is five weeks in the future. Feathers also wishes to file a new Answer to the OIP to counter the Division's expected request for an industry bar. Any further arguments concerning this should be made in his May 5, 2014, opposition.

IT IS SO ORDERED.

/S/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge