

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3160 / September 23, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-15215

In the Matter of

JAMES S. TAGLIAFERRI

ORDER ON PROCEDURAL SCHEDULE

The Securities and Exchange Commission instituted this administrative proceeding on February 21, 2013. This proceeding was stayed on March 11, 2013, pursuant to Rule of Practice 210(c)(3), and I lifted the stay on June 1, 2015. On September 2, 2015, the Commission granted the Division's motion to amend the Order Instituting Proceedings (OIP), adding allegations regarding James S. Tagliaferri's criminal conviction, and removing the OIP's directive to determine whether civil money penalties and disgorgement would be appropriate in the public interest.

On September 14, 2015, I scheduled a telephonic prehearing conference for today. I attempted to hold that prehearing conference. However, no court reporter was available, and it appears that to have Tagliaferri's participation, a call would have to be placed to the prison as opposed to having Tagliaferri dial-in from the prison.

In any event, as a prehearing conference was already held on June 10, 2015, a second prehearing conference is unnecessary. *See* 17 C.F.R. § 201.221(d).

I direct the following procedural schedule to resolve this proceeding:

October 16, 2015: Tagliaferri's Answer to the OIP, as amended by the Commission, is due.

October 16, 2015: Motions for summary disposition are due, pursuant to Rule of Practice 250.

November 6, 2015: Oppositions are due.

November 20, 2015: Replies, if any, are due.

Any party seeking relief from the above schedule must file a motion in accordance with the Rules of Practice.¹

A motion for summary disposition should include: 1) a discussion of the relevant facts with citations to supporting evidence or documents; 2) a discussion of the relevant law addressing, among any other issues, the legal basis for this action and for any defenses, and whether those bases is satisfied; 3) whether summary disposition is appropriate; and 4) whether sanctions are in the public interest. Summary disposition will not be granted without appropriate evidence and analysis in support. *See Gary L. McDuff*, Securities Exchange Act of 1934 (Exchange Act) Release No. 74803, 2015 SEC LEXIS 1657, at *11-14 (Apr. 23, 2015); *Ross Mandell*, Exchange Act Release No. 71668, 2014 SEC LEXIS 849, at *7-8 (Mar. 7, 2014). Tagliaferri may file his own motion for summary disposition according to the schedule above, but is not required to do so.

An opposition responds to a motion for summary disposition and may set forth its own alternative findings and conclusions. A reply responds to an opposition.

The parties' submissions and any documents in support shall be filed in paper format with the Commission's Office of the Secretary, U.S. Securities and Exchange Commission, 100 F Street N.E., Mail Stop 1090, Washington, D.C. 20549. Among other requirements, each filing must include a signed original and three copies, and a certification that copies have been served on the other party. *See* 17 C.F.R. §§ 201.150, 151, .152, .153.

Electronic courtesy copies of the parties' submissions should be emailed to ALJ@sec.gov in PDF text-searchable format. Electronic copies of exhibits should not be combined into a single PDF file, but sent as separate attachments. Tagliaferri is not required to submit electronic copies.

SO ORDERED.

Cameron Elliot
Administrative Law Judge

¹ The Rules are available online at <http://www.sec.gov/about/rulesofpractice.shtml>.