

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 2855/June 24, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-15873

In the Matter of

THOMAS R. DELANEY II and
CHARLES W. YANCEY

ORDER

An Initial Decision was issued in this matter on March 18, 2015, and on April 29, 2015, the Securities and Exchange Commission issued a finality order. *Thomas R. Delaney II*, Initial Decision Release No. 755, 2015 SEC LEXIS 1014, *finality order*, Exchange Act Release No. 74843, 2015 SEC LEXIS 1636. On May 29, 2015, Respondent Thomas R. Delaney II filed a Motion for Attorney's Fees and Costs Under the Equal Access to Justice Act (EAJA). Oral argument on Delaney's EAJA motion is scheduled for July 22, 2015, in Washington, D.C.

On June 23, 2015, this Office received the Division of Enforcement's Stipulated Motion for Extension of Time to File Opposition Brief Regarding Respondent Delaney's Motion for Fees and Costs (Motion). The Division requests a three week extension of the deadline for filing its Answer to the EAJA motion, currently due on June 29, 2015. Motion at 1-2. The Division represents that it needs this additional time in order to adequately respond to the supplemental brief and financial information submitted by Delaney on June 22, 2015. *Id.* The Division's motion is captioned as "stipulated," but this appears to be an error, as the Division notes that it "has attempted to confer with Delaney's counsel about this extension, but has received no response." *Id.* at 2.

Under the Commission's Regulations Pertaining to the EAJA, Delaney may file a reply to the Division's Answer within fifteen days after service of the Answer. 17 C.F.R. § 201.53. If granted a three week extension, briefing on the EAJA motion may not be complete in time for the oral argument, which the parties consented to hold on July 22, 2015. Accordingly, it is ORDERED that the Division's Motion is GRANTED IN PART, and the deadline for the Division's Answer is extended to July 6, 2015.

Jason S. Patil
Administrative Law Judge