

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3402/December 15, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-16972

In the Matter of

BRETT A. COOPER

ORDER FOLLOWING PREHEARING
CONFERENCE

On November 25, 2015, the Securities and Exchange Commission issued an Order Instituting Administrative Proceedings (OIP) against Respondent pursuant to Section 15(b) of the Securities Exchange Act of 1934.

Today, I held a telephonic prehearing conference, attended by counsel for the Division of Enforcement and Respondent, who appeared *pro se*. The Division was unable to determine the date of service of the OIP based upon when the OIP was received by Respondent. *See* 17 C.F.R. § 201.141(a)(2)(i). I therefore instructed the Division to file a letter regarding the date of service of the OIP. Such letter must be accompanied by evidence establishing that service was properly made or a joint stipulation of the parties as to the date of service. I notified Respondent that his Answer would be due twenty days after service. *See* OIP at 3; 17 C.F.R. § 201.220(b).

I granted leave for the Division to file a motion for summary disposition as well as for Respondent to file a cross-motion if he chooses to do so, and set the following procedural schedule:

January 12, 2016: The Division's motion for summary disposition is due.

February 9, 2016: Respondent's opposition is due.

February 19, 2016: The Division's reply, if any, is due.

A motion for summary disposition comes under Rule of Practice 250, 17 C.F.R. § 201.250.¹ Such motion 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, whether the legal basis for this action is satisfied; 3) whether summary disposition is appropriate; and 4) whether sanctions are in the public interest. Supporting evidence must be

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

sufficient for the required analysis. *See, e.g., Gary L. McDuff*, 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). An opposition responds to a motion for summary disposition and may set forth its own alternative findings and conclusions.

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. Each filing must include a signed original and three copies, and a certification that a copy was served on the other party by email, as agreed to by the parties. These requirements are detailed under Rules of Practice 150 to 152. 17 C.F.R. §§ 201.150-.52.

In addition to the required filing with the Office of the Secretary, I would appreciate electronic courtesy copies of any filings emailed to alj@sec.gov in PDF text-searchable format. Exhibits should be sent as separate attachments, not a combined PDF.

James E. Grimes
Administrative Law Judge