

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3841/May 13, 2016

ADMINISTRATIVE PROCEEDING
File No. 3-17210

In the Matter of

PAUL LEON WHITE, II

ORDER FOLLOWING PREHEARING
CONFERENCE AND SETTING
PROCEDURAL SCHEDULE

On April 15, 2016, the Securities and Exchange Commission issued an order instituting proceedings (OIP) against Respondent. Respondent was served with the OIP on April 21, 2016, and his answer was due on May 11. *Paul Leon White, II*, Admin. Proc. Rulings Release No. 3827, 2016 SEC LEXIS 1631 (ALJ May 5, 2016). Respondent submitted a motion dated May 1, 2016, in which he requested that I waive certain requirements of the Rules of Practice for filings, dismiss the OIP, and grant him an extension to June 15, 2016, in which to file his answer. The Division of Enforcement filed an opposition to Respondent's motion on May 13, 2016.

A telephonic prehearing conference was held today, attended by counsel for the Division and Respondent, who appeared pro se. During the conference, I ordered the following procedural schedule:

June 10, 2016:	Division's motion for summary disposition is due.
July 8, 2016:	Respondent's opposition is due.
July 18, 2016:	Division's reply is due.

As I noted at the prehearing conference, if Respondent chooses to file his own motion for summary disposition, he should follow the same schedule as the Division. A motion for summary disposition comes under Rule 250, 17 C.F.R. § 201.250. 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 and what sanctions are in the public interest. Supporting evidence must be sufficient for the required analysis. *See, e.g., Gary L. McDuff*, Securities Exchange Act of 1934 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.

During the prehearing conference, I also ruled on Respondent's motion as follows: I granted Respondent's request that I waive the requirement that his filings conform with Rule 152(a)(2), (a)(5), and (d), due to the limited resources available to him in the correctional facility in which he is currently incarcerated; I denied Respondent's request that he be permitted to exceed 7,000 words in his answer, as the word limitation in Rule 154(c) does not apply to answers; I denied Respondent's request to dismiss the OIP, because service of the OIP on him was proper and was not required to be compliant with Rules 151 and 152; I granted in part Respondent's request for an extension of time to file an answer, permitting him until May 27, 2016, to place his answer in the mail; and I denied Respondent's request for a standing order giving him thirty days to respond to any future motions or pleadings. As to the final request, in the event that motions other than those for summary disposition are filed, Respondent may then file a motion requesting an extension of time, which should address the considerations set forth in Rule 161(b)(1).

In addition to the required filing with the Office of the Secretary, the Division should email an electronic courtesy copy of all filings 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