

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

Administrative Proceedings Rulings
Release No. 5307 / December 7, 2017

Administrative Proceeding
File No. 3-16509

In the Matter of

**Edward M. Daspin, a/k/a Edward
(Ed) Michael,
Luigi Agostini, and
Lawrence R. Lux**

**Notice to the Parties and
Order Following Remand**

Following issuance of the initial decision in this case, the Securities and Exchange Commission remanded this case and directed me to take certain actions. *See Pending Admin. Proc.*, Securities Act of 1933 Release No. 10440, 2017 SEC LEXIS 3724 (Nov. 30, 2017). The Commission's order is available at <https://www.sec.gov/litigation/opinions/2017/33-10440.pdf>.

Consistent with the Commission's order, I direct the following.

1. The parties are directed to review the order.¹
2. The parties are granted "until January 5, 2018 to submit any *new* evidence the parties deem relevant to [my] reexamination of the record." *Pending Admin. Proc.*, 2017 SEC LEXIS 3724, at *2 (emphasis added). Absent a motion supported by good cause, no evidence submitted after this date will be considered.
3. Any party that submits evidence must contemporaneously file a brief explaining the relevance, materiality, and reliability of the

¹ Respondents Luigi Agostini and Lawrence R. Lux have settled with the Commission and are no longer part of this proceeding. *Edward M. Daspin*, Securities Act Release Nos. 10243, 2016 SEC LEXIS 4086 (Nov. 1, 2016); 9963, 2015 SEC LEXIS 4287 (Oct. 16, 2015).

evidence submitted. *See* 17 C.F.R. § 201.320(a). The following requirements apply to any brief filed under this order:

- a. In addition to addressing the admissibility of any evidence submitted, the brief may address whether I should “ratify or revise in any respect” any action I or another administrative law judge has taken in this proceeding. *Pending Admin. Proc.*, 2017 SEC LEXIS 3724, at *2; *see Wilkes Barre Hosp. Co. v. NLRB*, 857 F.3d 364, 371–72 (D.C. Cir. 2017). Because Respondent was found in default and sanctions were imposed on the basis of that default, the parties should first address whether the default or the sanctions should be ratified or revised.
 - b. Unless a party submits a motion for relief by December 29, 2017, a party’s brief may not exceed 5,000 words in length. Portions of briefs in excess of this limit will not be considered. I will not consider any substantive arguments a party attempts to present in a cover letter.
 - c. All filings must comply with the Commission’s filing rules found in Rules of Practice 150 through 153. *See* 17 C.F.R. §§ 201.150–53. No e-mail filings will be accepted or considered.
 - d. Any brief submitted must be (1) entirely self-contained; (2) filed in a single submission; and (3) filed on a single date. Multiple supplements will not be considered. Attempts to present additional argument through attached exhibits, declarations, and or affidavits will be rejected. Unless a party files a motion to substitute a later version of a brief for an earlier version, any later-filed brief or supplement will not be considered.
4. A party that declines to submit new evidence may still file a brief addressing the matters discussed in paragraph 3.a. Such brief must conform to the requirements in paragraph 3.a. through d.
 5. A party may file a brief in opposition, not to exceed 3,000 words, by January 17, 2018.

James E. Grimes
Administrative Law Judge