

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

Administrative Proceedings Rulings
Release No. 5325 / December 7, 2017

Administrative Proceeding
File No. 3-16349

In the Matter of
Barbara Duka

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

Following issuance of the initial decision in this case, the Securities and Exchange Commission remanded this and every case pending before it on appeal. *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>. In its order, the Commission directed me to take certain actions in this proceeding. This order implements the Commission's directive.

The parties are directed to review the Commission's order. 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 *3 (emphasis added).

Any party that submits evidence must contemporaneously file a brief explaining the relevance, materiality, and reliability of the evidence submitted. *See* 17 C.F.R. § 201.320(a). The brief should also address whether I should "ratify or revise in any respect" any action that I have taken in this proceeding. *Pending Admin. Proc.*, 2017 SEC LEXIS 3724, at *3; *see Wilkes-Barre Hosp. Co. v. NLRB*, 857 F.3d 364, 371–72 (D.C. Cir. 2017). If a party declines to submit evidence, it may nonetheless submit a brief no later than January 5, 2018, addressing whether I should "ratify or revise in any respect" any action that I have taken in this proceeding. Absent leave to exceed the

limit, a party's brief may not exceed 5,000 words in length. A party may file a brief in opposition, not to exceed 3,000 words, by January 19, 2018.

James E. Grimes
Administrative Law Judge