

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

Administrative Proceedings Rulings  
Release No. 5424 / December 27, 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**

**Order Granting in Part  
Motion for Extension**

On December 14, 2017, Respondent Edward M. Daspin filed with the Commission a motion to reconsider the Commission's order remanding this case to me.<sup>1</sup> On December 20, 2017, Daspin filed a motion asking me to extend his deadline to submit new evidence from January 5, 2018, to March 1, 2018. The Division of Enforcement notified me by letter dated December 21 that it had filed with the Commission an opposition to Daspin's reconsideration motion. The Division also stated that it will respond to the arguments in Daspin's reconsideration motion and stay motion "to the extent they warrant a response" in a brief it intends to file with me on January 5, 2018.

Judging by the caption of his motion, Daspin's request for an extension appears to be based on (1) his motion pending before the Commission and (2) his attempt to find an attorney. But the body of Daspin's motion does not address why he should be granted an extension, and the mere fact that he asked the Commission to reconsider its remand does not, on its own, justify one. Further, a two month extension is not warranted given that the Commission simply gave parties the opportunity to submit "*new* evidence . . .

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<sup>1</sup> *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10440, 2017 SEC LEXIS 3724, at \*1 (Nov. 30, 2017).

relevant to [my] reexamination of the record.”<sup>2</sup> It did not create an unbridled right for parties to craft new arguments on remand. Finally, Daspin has long been unrepresented, and while he has a right to counsel of his choice, this is not a case where he was abandoned by counsel on the eve of a hearing.<sup>3</sup> Nonetheless, in light of the impending holidays, the request is granted in part.

Therefore, for good cause, the evidentiary and briefing deadlines established in the order I issued on December 7, 2017, are amended. The deadline for parties to submit new evidence and contemporaneous briefing is extended from January 5, 2018, to January 12, 2018. Any opposition is now due January 23, 2018. The filing requirements established in paragraphs 3.a. through d. in the order I issued on December 7, 2017, will continue to apply to the parties’ filings.<sup>4</sup>

Additionally, the Division need not respond to Daspin’s extension motion. To the extent it intends to submit additional filings concerning Daspin’s reconsideration motion, it should direct those filings to the Commission.

Absent extraordinary circumstances, the deadlines established in this order will not be extended.

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James E. Grimes  
Administrative Law Judge

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<sup>2</sup> *Id.* at \*2 (emphasis added).

<sup>3</sup> *See Edward M. Daspin*, Admin. Proc. Rulings Release No. 3183, 2015 SEC LEXIS 4001, at \*7–8 & n.3 (ALJ Sept. 30, 2015). To the extent Daspin’s request is premised on his misperception that his attorney requires special permission to appear in this forum, he is reminded that “[h]e is entitled to be represented by any attorney who meets the requirements in Rule 102(b).” *Edward M. Daspin*, Admin. Proc. Rulings Release No. 3263, 2015 SEC LEXIS 4435, at \*17 (ALJ Oct. 28, 2015).

<sup>4</sup> *See Edward M. Daspin*, Admin. Proc. Rulings Release No. 5307, 2017 SEC LEXIS 3917, at \*2–3 (ALJ Dec. 7, 2017).