

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

Administrative Proceedings Rulings  
Release No. 6335 / November 16, 2018

Administrative Proceeding  
File No. 3-18130

In the Matter of  
**Jeffrey Gainer**

**Order Following  
Prehearing Conference**

On November 15, 2018, I held a telephonic prehearing conference in this matter, attended by counsel for the Division of Enforcement and Respondent, who appeared pro se. Respondent had previously expressed in a letter his desire to not have a new hearing. We discussed whether Respondent wishes to file an answer to the order instituting proceedings, but it remains unclear whether he will.

Therefore, I ORDER that, if he wishes to do so, Respondent shall file an answer by November 26, 2018.

I FURTHER ORDER that the Division shall file an appropriate motion—for default and sanctions if Respondent does not answer or for summary disposition if he does—by December 17, 2018. The motion should include legal analysis and evidentiary support for the allegations and requested sanction in accordance with *Rapoport v. SEC*, 682 F.3d 98, 108 (D.C. Cir. 2012), and *Ross Mandell*, Securities Exchange Act of 1934 Release No. 71668, 2014 WL 907416, at \*2 (Mar. 7, 2014), *vacated in part on other grounds*, Exchange Act Release No. 77935, 2016 WL 3030883 (May 26, 2016). Respondent's opposition is due January 14, 2019. If Respondent answers and wishes to file a motion for summary disposition, he will file by December 17, 2018.

In addition to complying with the rules regarding service contained in the Securities and Exchange Commission's Rules of Practice, courtesy copies of any filings should be e-mailed to my office at [alj@sec.gov](mailto:alj@sec.gov), in PDF text-

searchable format if possible. Exhibits should be e-mailed as separate attachments, not as a combined PDF file, and accompanied by a declaration.

---

James E. Grimes  
Administrative Law Judge