

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

Administrative Proceedings Rulings  
Release No. 6695 / October 9, 2019

Administrative Proceeding  
File No. 3-17184

In the Matter of  <b>Christopher M. Gibson</b>
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**Order on Respondent's Motion  
to Strike and the Division of  
Enforcement's Letter**

Respondent Christopher M. Gibson moves under Rule of Practice 152(f)<sup>1</sup> to strike what he considers “scandalous and impertinent matter” in the hearing record and in the Division of Enforcement’s post-hearing brief concerning Gibson’s current activities as reflected in his recent tax filings. The Division opposes the motion, arguing that the material is not scandalous and is “directly relevant to Gibson’s claimed inability to pay and his complete lack of credibility.”<sup>2</sup> I DEFER ruling on Gibson’s motion to strike until the initial decision. I will determine the relevance and value of the disputed material after considering all of the evidence. The parties should also note that I can disregard inflammatory evidence or argument without striking it from the record.<sup>3</sup>

The Division also submitted a letter objecting to portions of Gibson’s reply to its opposition because it goes beyond the scope of his original motion to

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<sup>1</sup> 17 C.F.R. § 201.152(f).

<sup>2</sup> Opp’n at 2.

<sup>3</sup> *Cf. Gulf States Utils. Co. v. Ecodyne Corp.*, 635 F.2d 517, 519 (5th Cir. 1981) (“Rule 403 has no logical application to bench trials.... [E]xcluding relevant evidence on the basis of ‘unfair prejudice’ is a useless procedure.”) (footnote omitted).

strike. Additional briefing from the Division is unnecessary. The Division should not file a surreply.

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James E. Grimes  
Administrative Law Judge