

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

Administrative Proceedings Rulings
Release No. 6696 / October 15, 2019

Administrative Proceeding
File No. 3-17184

In the Matter of

Christopher M. Gibson

Order on Motions to Strike

Respondent Christopher M. Gibson moves to strike the Division of Enforcement's Responses to Respondent's Proposed Findings of Fact and Conclusions of Law. Gibson argues that my post-hearing order permitted only the filing of reply briefs, but not responses to findings of fact and conclusions of law. As the Division points out in opposition, however, Rule of Practice 340 contemplates such replies.¹ Gibson's motion is DENIED. Yet, because Gibson relied on a straightforward reading of my post-hearing order and did not file a response to the Division's proposed findings and conclusions, he will have until October 25, 2019, to do so if he wishes.

In its responses to Gibson's proposed findings and conclusions, the Division moves to strike the paragraphs that it alleges contain argument.² I DEFER ruling on this issue until the initial decision.

James E. Grimes

¹ Rule 340(b) directs the filing of proposed findings and conclusions and of reply briefs. 17 C.F.R. § 201.340(b). Read in context, the rule permits replies that respond directly to any proposed findings facts and conclusions of law.

² *Gibson*, Admin. Proc. Rulings Release No. 6648, 2019 SEC LEXIS 1937, at *3 (ALJ Aug. 5, 2019) ("I will strike findings or conclusions that contain argument.").

Administrative Law Judge