

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

Administrative Proceedings Rulings  
Release No. 6776 / July 15, 2020

Administrative Proceeding  
File No. 3-15755

In the Matter of  
**Mark Feathers**

**Instructions Regarding  
Summary Disposition**

On July 14, 2020, the Division of Enforcement filed a motion for summary disposition, and Respondent Mark Feathers filed a response on July 15. Because Feathers is representing himself, this order provides additional instructions about summary disposition.

The Division has moved for summary disposition under Rule of Practice 250. This means that the Division has asked me to decide this proceeding based on written evidentiary materials submitted in support of its motion. If the Division's motion for summary disposition is granted, the proceeding may be decided without a hearing and sanctions may be imposed.

For the Division to be entitled to summary disposition, it must "show that there is no genuine issue with regard to any material fact and that [it] is entitled to summary disposition as a matter of law."<sup>1</sup> An opposition to summary disposition must include sufficient evidence to contradict the facts asserted by the Division to show that a material fact is in genuine dispute. Summary disposition may not be opposed simply by relying on bare allegations or denials.<sup>2</sup> Rather, the respondent must submit evidence—such as

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<sup>1</sup> 17 C.F.R. § 201.250(b).

<sup>2</sup> See *James S. Tagliaferri*, Securities Exchange Act of 1934 Release No. 80047, 2017 WL 632134, at \*7 (Feb. 15, 2017) ("The party opposing summary disposition may not rely on bare allegations or denials but instead must present specific facts showing a genuine issue of material fact for resolution at a hearing." (internal quotation marks omitted)).

declarations, the respondent's own affidavit or the affidavits of others, prior testimony, documentary evidence, or facts that can be officially noticed under Rule of Practice 323—countering the facts asserted by the Division and raising specific facts that support the contention that this matter requires a hearing.

Feathers may file a renewed opposition with supporting evidence by August 4, 2020. Otherwise, I will decide the Division's motion based on the Division's evidence and Feathers's response filed on July 15.

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James E. Grimes  
Administrative Law Judge

Served by e-mail on all participants.