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UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING  
File No. 3-16181

In the Matter of

Duncan J. MacDonald, III,

Respondent.

DIVISION OF ENFORCEMENT'S  
MOTION TO DEFER SUMMARY DISPOSITION  
BRIEFING

The Division of Enforcement of the United States Securities and Exchange Commission (the "Division") files this Motion to Defer Summary Disposition Briefing as follows:

1. On September 29, 2014, the Commission issued the Order Instituting Proceedings against Respondent Duncan J. MacDonald, III, in this matter.
2. A prehearing conference was held on December 3, 2014, at which Respondent's deadline for filing an answer was extended to December 23, 2014. The deadline for filing Motions for Summary Disposition was set for January 9, 2015. The opposition deadline was set for February 13, 2015, and the reply deadline was set for February 23, 2015. An order reflecting these dates was issued on December 4, 2014.
3. On December 22, 2014, the Division received an email from Respondent through the CorrLinks system stating that Respondent had submitted an "Answer-Order" to the Bureau of Prison's mail service.
4. The Division received a document entitled "Offer of Settlement" from Respondent on or about January 6, 2015. The Division has received no other documents or correspondence from Respondent since December 22, 2014. The Division believes that the

“Offer of Settlement” was the document referenced by the Respondent in his December 22 email.

5. On January 8, 2015, Administrative Law Judge Patil entered an order that deemed the Respondent’s “Offer of Settlement” as a timely filed answer. The Order also encouraged the parties to determine whether this action could be resolved by mutually agreeable means.

6. Given the nature of Respondent’s “Offer of Settlement,” the Division believes this action could be resolved by mutually agreeable means. Deferring the summary disposition briefing would allow the parties an opportunity to reach a settlement and is appropriate.

**WHEREFORE**, for the foregoing reasons, the Division respectfully requests that this motion be granted and that an order issue deferring the summary disposition briefing as follows:

- Motions for Summary Disposition – February 6, 2015
- Oppositions to Motions for Summary Disposition – March 13, 2015
- Replies, if any - March 23, 2015.

January 9, 2015

Respectfully submitted,

/s Timothy L. Evans  
Timothy L. Evans  
Division of Enforcement  
Securities and Exchange Commission  
Fort Worth Regional Office  
801 Cherry St, Suite 1900  
Fort Worth, Texas 76102  
(817) 978-8036 (phone)  
(817) 978-4927 (fax)

[REDACTED]

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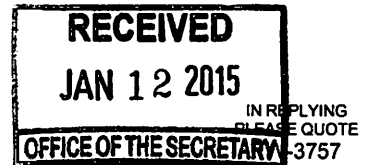
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UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
BURNETT PLAZA, SUITE 1900  
801 CHERRY STREET, UNIT #18  
FORT WORTH, TEXAS 76102-6882  
PHONE: (817) 978-3821 FAX: (817) 978-4927



January 9, 2015

*Via United Parcel Services*  
Office of the Secretary  
United States Securities and Exchange Commission  
100 F. Street, NE  
Washington, D.C. 20549

Re: *In the Matter of Duncan J. MacDonald, III*  
Administrative No. 3-16181

Dear Ladies and/or Gentlemen:

Pursuant to Rules 151 and 152 of the Commission Rules of Practice, the Division is filing the enclosed *Division of Enforcement's Motion to Defer Summary Disposition* regarding the above-referenced matter transmitting to the Commission (Office of the Secretary) an original and three copies.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca R. Fairchild".

Rebecca R. Fairchild  
Sr. Trial Paralegal

Attachment

cc: Honorable Jason S. Patil  
Administrative Law Judge  
U.S. Securities and Exchange Commission  
100 F. Street, NE  
Washington, DC 20549-2557

Via UPS and Email

Mr. Duncan J. MacDonald, III

Via CMRRR and Email

