

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING  
File No. 3-19441

In the Matter of  
  
Performance Capital Management, LLC, *et al.*,  
  
Respondents.

DIVISION OF ENFORCEMENT'S MOTION FOR  
DEFAULT

Motion

On September 12, 2019, the Commission issued an Order Instituting Proceedings against Performance Capital Management, LLC and Silicon Mountain Holdings, Inc. (the "Respondents"), both of which have securities registered with the Commission under Section 12(g) of the Securities Exchange Act of 1934 ("Exchange Act") and are delinquent in filing their mandated periodic reports. The Division hereby moves that the Commission find that Respondents are in default in this proceeding and enter an order revoking the registration of each class of their securities registered pursuant to Exchange Act Section 12(g).

Brief in Support

I. Status of the Proceeding

As shown in the Declaration of Charles Davis to Assist Secretary with Record of Service, a copy of which is attached as Exhibit 1, hereto, Respondents were served by Priority Mail Express by or before September 19, 2019, in accordance with Rule 141(a)(2)(ii) of the

Commission's Rules of Practice. Neither of the Defaulting Respondents filed answers on or before the deadline for filing answers based on the date of service, and thus both are in default.

**III. Motion for Default.**

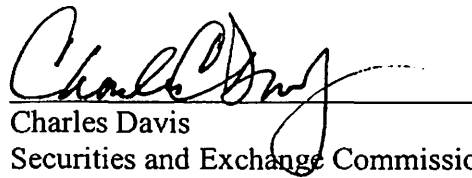
Respondents are delinquent in their filings with the Commission. Each issuer has a class of securities registered pursuant to Exchange Act Section 12(g). Performance Capital Management, LLC and Silicon Mountain Holdings, Inc. have failed to file any periodic reports for 10 years. Further, both Respondents failed to file answers or otherwise appear in this proceeding. Accordingly, the Division moves for an order, pursuant to Rule 155(a)(2), finding Respondents in default in this proceeding and ordering that the registration of each class of their securities registered pursuant to Exchange Act Section 12 be revoked.

**Conclusion**

For the reasons set forth above, the Division respectfully requests that the Commission grant the Division's Motion for Default as to Respondents, and enter an order revoking the registration of each class of their securities registered pursuant to Exchange Act Section 12(g).

Dated: October 28, 2019

Respectfully submitted,

  
Charles Davis  
Securities and Exchange Commission  
100 F Street, N.E.  
Washington, D.C. 20549-5553  
202-551-4444

COUNSEL FOR  
DIVISION OF ENFORCEMENT

**CERTIFICATE OF SERVICE**

I hereby certify that I caused true copies of the Division of Enforcement's Motion for Default as to Performance Capital Management, LLC and Silicon Mountain Holdings, Inc.. and Brief in Support, and Exhibits thereto, to be served on the following on October 28, 2019, in the manner indicated below:

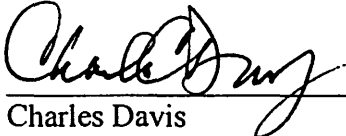
By Hand:

Office of the Secretary  
Securities and Exchange Commission  
100 F Street, N.E.  
Washington, D.C. 20549-2557

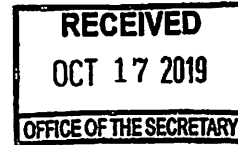
By First Class Mail:

Performance Capital Management, LLC  
222 South Harbor Boulevard Suite 400  
Anaheim, CA 92805

Silicon Mountain Holdings, Inc.  
1635 Bluejay Place,  
Coquitlam, BC V3E 3E2  
Canada

  
Charles Davis

# **Exhibit 1**



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**DECLARATION OF CHARLES DAVIS  
TO ASSIST THE SECRETARY WITH RECORD OF SERVICE**

CHARLES DAVIS, pursuant to 28 U.S.C. § 1746, declares:

1. I am a Senior Counsel with the Division of Enforcement (“Division”) of the Securities and Exchange Commission, and co-counsel for the Division in the captioned administrative proceeding. I am submitting this Declaration to assist the Secretary in maintaining a record of service on the respondents in the captioned proceedings pursuant to Rule 141(a)(3).

2. Securities and Exchange Commission (“Commission”) Rule of Practice 141(a)(2)(ii) permits service on a corporation or entity by delivering a copy of an Order Instituting Administrative Proceedings (“OIP”) to an agent authorized by appointment or law to receive such notice or, in the case of an issuer with a class of securities registered with the Commission, by sending the OIP addressed to the most recent address shown on each entity’s most recent filing with the Commission by U.S. Postal Service certified, registered, or Express Mail and obtaining a confirmation of attempted delivery. Further,

the OIP in this matter authorizes service of the OIP “by any means permitted by the Commission’s Rules of Practice.” Therefore, the Division asked the Commission’s Secretary to first attempt service on the Respondents via U.S. Priority Mail Express.

3. The Office of the Secretary provided me with the U.S. Priority Mail Express tracking numbers for the copies of the Order Instituting Proceedings (“OIP”)<sup>1</sup> that were mailed by the Secretary to the respondents in these proceedings. I input each of the tracking numbers into the U.S. Postal Service’s (“USPS’s”) package tracking system on its Internet website located at [www.usps.com](http://www.usps.com), and printed out the tracking confirmations in order to obtain confirmation of the delivery or attempted delivery of the OIP on each respondent. A true copy of the tracking confirmations for each respondent for whom express mail service was attempted is attached as Exhibit 1, hereto.

4. The Secretary mailed the OIP to respondent Performance Capital Management, LLC, CIK 1221170 (“Performance Capital”), via Priority Mail Express, Tracking No. ER006877388US, to the address shown on its most recent EDGAR filing at 222 South Harbor Boulevard, Suite 400, Anaheim, CA 92805. This address is taken from Performance Capital’s last filing with the Commission, which was a Form 8-K filed with the Commission on May 24, 2010. The USPS tracking system confirms that the mailing arrived in Anaheim, California on September 13, 2019 and could not be delivered as addressed. *See* Exhibit 1 at page 2.

5. The Secretary mailed the OIP to respondent Silicon Mountain Holdings, Inc., CIK 723928 (“Silicon Mountain”), via Priority Mail Express, Tracking No. RA253388171US, to the address shown on its most recent EDGAR filing at 1635

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<sup>1</sup>Each service package included the OIP, a letter from the Commission’s Secretary, and a letter from the Division offering discovery pursuant to Rule of Practice 230.

Bluejay Place, Coquitlam, BC V3E 3E2 Canada. This address is taken from Silicon Mountain's last filing with the Commission, which was a Form 8-K filed with the Commission on November 24, 2009. The USPS tracking system confirms that it was delivered on September 19, 2019. See Exhibit 1 at page 4.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/17, 2019.

  
\_\_\_\_\_  
Charles Davis