

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-19787-EAJ

In the Matter of

NANO MAGIC INC.

**JOINT REQUEST FOR EXTENSION OF
TIME TO FILE ANSWER AND REPLY IN
RESPONSE TO PETITIONER'S
APPLICATION FOR AN AWARD OF
ATTORNEYS FEES AND OTHER
EXPENSES PURSUANT TO 17 C.F.R. §
201.31, *ET SEQ.***

Pursuant to Rules of Practice 201.52 and 201.161, the Division of Enforcement and Petitioner Nano Magic Inc. hereby respectfully request brief extensions of time within which to file their respective Answer and Reply in response to Petitioner's Application for an Award of Attorneys Fees and Other Expenses Pursuant to 17 C.F.R. § 201.31, *et seq.* ("Application"), and in support thereof, show the Administrative Law Judge as follows:

1. Petitioner filed the Application in this Equal Access to Justice Act ("EAJA") proceeding on January 8, 2025. Under Rule of Practice 201.52(a), the Division's Answer to the Application is currently due on or before February 7, 2025. Petitioner's reply is due within 15 days of service of the Division's Answer, pursuant to Rule of Practice 201.53.

2. The parties request the Division be permitted to file its Answer on or before February 21, 2025, and Petitioner be permitted to file its Reply on or before March 24, 2025.

3. The parties acknowledge the "policy of strongly disfavoring" requests for extension, as set forth in Rule of Practice 201.161(b), but respectfully submit the factors set out in the rule should weigh in favor of an extension in this instance. Specifically: (i) this EAJA proceeding is in the beginning stages, with the Application only having been filed a few weeks ago; (ii) this is the

parties' first request for an extension, adjournment, or postponement in this proceeding; (iii) the Commission has not specified a time certain in the Rules of Practice by which the Administrative Law Judge must issue a decision on the Application, and the brief extensions will not materially impact the requirement under Rule 201.56 that a decision on the Application be made "promptly"; (iv) the Division's undersigned counsel entered his appearance in this proceeding today and requires additional time to review the Application and corresponding exhibits, and prepare the Division's Answer; and (v) Petitioner's counsel is scheduled to be traveling out of the office and unavailable during the first week of March. The parties further submit that neither of the requested extensions exceeds the 21-day time limit set forth in Rule of Practice 201.161(c).

WHEREFORE, the parties respectfully request the Administrative Law Judge extend the date by which the Division must file its Answer to the Application up through and including February 21, 2025, and the date by which Petitioner must file its Reply up through and including March 24, 2025.

Date: January 27, 2025

Respectfully submitted,

/s/ Patrick R. Costello
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Counsel for Petitioner Nano Magic Inc.

STATEMENT OF ELECTRONIC FILING AND CERTIFICATE OF SERVICE

I certify that on January 27, 2025, I caused to be filed the foregoing JOINT REQUEST FOR EXTENSION OF TIME TO FILE ANSWER AND REPLY IN RESPONSE TO PETITIONER'S APPLICATION FOR AN AWARD OF ATTORNEYS FEES AND OTHER EXPENSES PURSUANT TO 17 C.F.R. § 201.31, *ET SEQ.* with the Commission through the Office of the Secretary by the eFAP filing system, and further caused the same to be served on the following persons in the manner indicated:

By Electronic Mail:

Office of Administrative Law Judges
Email: alj@sec.gov

By Electronic Mail:

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Counsel for Nano Magic Inc.

/s/ Patrick R. Costello
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