

**BEFORE THE
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C.**

In the Matter of the Application of

DreamFunded Marketplace, LLC, and Manuel Fernandez

For Review of Action Taken by

FINRA

File No. 3-20639

**FINRA’S MOTION TO STRIKE AND STAY BRIEFING
ON FERNANDEZ’S MOTION FOR RECONSIDERATION**

FINRA moves to strike the “Motion for Reconsideration and/or Relief from Judgment Based on New Precedent, Statute of Limitations and Jurisdictional Issues” (the “Motion for Reconsideration”) submitted by Manuel Fernandez and to stay briefing on the Motion for Reconsideration while this motion to strike is pending.¹ In the Motion for Reconsideration, Fernandez asks the Commission, pursuant to the Federal Rules of Civil Procedure (“FRCP”), to “reconsider the FINRA decision, grant a new trial with a jury, and address the procedural and substantive fairness of the previous proceedings” based on the Supreme Court’s decision in *SEC v. Jarques*, 144 S. Ct. 2117 (2024). Motion for Reconsideration at 9. The Commission should strike the Motion for Reconsideration as procedurally improper because (a) the FRCP do not apply in this proceeding, *see Robert M. Ryerson*, Exchange Act Release No. 57839, 2008 SEC

¹ Based on the “OS Received” date on the Motion for Reconsideration, Fernandez submitted it to the Commission on August 26, 2024, but FINRA did not receive a copy of the Motion for Reconsideration until Fernandez sent it via email on August 28, 2024.

LEXIS 1153, *16 (May 20, 2008), and (b) the Motion is, for all intents and purposes, an unauthorized supplemental brief that was submitted in violation of the Commission's Order Scheduling Briefs in this matter, *see DreamFunded Marketplace, LLC*, Exchange Act Release No. 93697, 2021 SEC LEXIS 3561, at *1 n.4 ("As provided by Rule 450(a), no briefs in addition to those specified in this schedule may be filed without leave of the Commission."). FINRA requests the Commission stay briefing on the Motion for Reconsideration while this motion to strike is pending.

Respectfully submitted,

/s/ Michael M. Smith

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CERTIFICATE OF SERVICE

I, Michael M. Smith, certify that on this 5th day of September 2024, I caused FINRA's Motion to Strike and Stay Briefing on Fernandez's Motion for Reconsideration, in the matter of the *Application for Review of DreamFunded Marketplace, LLC and Manuel Fernandez*, Administrative Proceeding No. 3-20639, to be served through the SEC's eFAP system on:

Vanessa A. Countryman
Securities and Exchange Commission
100 F St., NE
Room 10915
Washington, DC 20549-1090

I further certify that, on this date, I caused copy of FINRA's Motion to Strike and Stay Briefing on Fernandez's Motion for Reconsideration in the foregoing matter to be served by electronic service on:

Manuel Fernandez
c/o DreamFunded, Inc.
San Francisco HQ
388 Market Street, 13th Floor
San Francisco, CA 94111
manny@dreamfunded.com

Manuel Fernandez


Respectfully submitted,

/s/ Michael M. Smith

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CERTIFICATE OF COMPLIANCE

I, Michael M. Smith, certify that this motion complies with the Commission's Rules of Practice by omitting or redacting any sensitive personal information described in Rule of Practice 151(e).

Respectfully submitted,

/s/ Michael M. Smith

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