

**BEFORE THE
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, DC**

In the Matter of the Application of
Nancy Kimball Mellon,
For Review of
FINRA Disciplinary Action
File No. 3-21267

**FINRA'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS THE APPLICATION FOR
REVIEW AND STAY THE ISSUANCE OF THE BRIEFING SCHEDULE**

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January 19, 2023

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The Commission should dismiss Nancy Kimball Mellon’s application for review. Mellon has neither timely filed her appeal, nor has she made the required showing of “extraordinary circumstances” sufficient to justify an extension of her time to file. *See* 15 U.S.C. § 78s(d)(2); *see also* Commission Rule of Practice 420(b). Consequently, dismissal on these grounds is consistent with well-established precedent, and nothing in Mellon’s response demonstrates otherwise.¹

Mellon’s response to FINRA’s motion to dismiss fails to establish the “extraordinary circumstances” sufficient to justify an extension of her time to submit an application for review.

¹ FINRA respectfully requests that the Commission accept this late reply. Counsel for FINRA was only made aware as of this date that Mellon filed her response to FINRA’s motion to dismiss with the Commission on January 6, 2023. While Mellon’s filing contains an email thread between counsel for FINRA and Mellon, counsel was unaware that Mellon had filed it with the Commission as her response to FINRA’s motion.

Rather, it is simply an attempt to re-litigate the underlying violations, placing the blame on others for her misconduct, and provides absolutely no explanation for her lateness, much less a showing of “extraordinary circumstances.” Furthermore, Mellon’s swift response to FINRA after it issued the NAC decision, and the fact that she filed her response to FINRA’s motion to dismiss on the same day the motion was filed would cut against any arguments that circumstances somehow prevented Mellon from timely filing her appeal.

Accordingly, the Commission should dismiss Mellon’s application for review.

Respectfully submitted,

/s/ Colleen Durbin

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CERTIFICATE OF COMPLIANCE

I, Colleen Durbin, certify that FINRA's Reply in Support of its Motion to Dismiss the Application for Review and to Stay the Issuance of a Briefing Schedule complies with SEC Rule of Practice 151(e) because it omits or redacts any sensitive personal information.

/s/ Colleen Durbin

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Dated: January 19, 2023

CERTIFICATE OF SERVICE

I, Colleen Durbin, certify that on this 19th day of January 2023, I caused a copy of the foregoing Reply in Support of FINRA’s Motion to Dismiss the Application for Review and to Stay the Issuance of a Briefing Schedule to be filed through the SEC’s electronic filing system, effecting service on:

Vanessa Countryman, Secretary
Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549-1090

I further certify that, on this date, I also caused a copy of FINRA’s Reply in Support of Motion to Dismiss the Application for Review and to Stay the Issuance of a Briefing Schedule to be served by electronic mail on:

Nancy Mellon



/s/Colleen Durbin

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