

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-21270

In the Matter of

JUSTIN W. KEENER,

Respondent.

STATUS REPORT

The Securities and Exchange Commission (“Commission”) issued an Order Regarding Status Report on July 24, 2023, requesting a status report by August 21, 2023. The status report should address “whether and when either party plans to file a motion for summary disposition; whether the parties have proposed response times for opposition and reply briefs to any summary disposition motion; and whether the Division has made documents available to Respondent in accordance with Rule of Practice 230.”

The Division of Enforcement (“Division”) respectfully submits the following status report on behalf of itself and Respondent Justin W. Keener (“Keener”). The parties have agreed upon the following schedule for the Division to file a motion for summary disposition against Respondent:

The Division files its motion for summary disposition	August 25, 2023
Respondent files his opposition brief	September 22, 2023
The Division files its reply brief	October 6, 2023

The Commission also enquired whether the Division has made documents available to Respondent in accordance with Rule of Practice 230. The Division has complied with the rule. During the District Court litigation, the Division provided Respondent with its entire investigative file except for privileged documents and certain irrelevant material. In an April 10, 2023 letter to Respondent, the Division described this production of documents, including the materials withheld. The Division has no further documents to provide or make available to Respondent. The Division’s April 10 letter is attached hereto.

Dated:

Respectfully submitted,

A solid black rectangular box used to redact the signature of the sender.

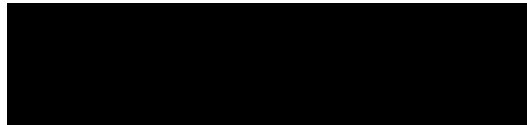
Antony Richard Petrilla
Joshua E. Braunstein
Securities and Exchange Commission
100 F Street NE
Washington, DC 20549
Counsel for Division of Enforcement

CERTIFICATE OF SERVICE

In accordance with Rule 150 of the Commission's Rules of Practice, I hereby certify that true and correct copy of the foregoing motion was served on the following persons on August 3, 2023:

By e-fap:

Office of Secretary
Securities and Exchange Commission
100 F Street NE
Washington, DC 20549-2557



Antony Richard Petrilla
Counsel for Division of Enforcement



**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
DIVISION OF ENFORCEMENT**

100 F Street NE
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DIVISION OF
ENFORCEMENT

Joshua Braunstein
Senior Trial Counsel
Telephone: (202) 551-8470
BraunsteinJ@sec.gov

April 10, 2023

VIA EMAIL

Christopher F. Regan, Esq.
Orrick, Herrington & Sutcliffe, LLP
2001 M Street NW
Suite 500
Washington, DC 20036
Tel. (202) 349-7970

Re: *In the Matter of Justin W. Keener*, Admin. Proc. File No. 3-21270

Dear Chris,

This letter concerns our obligations under Rule of Practice 230. As you know, we provided our investigative file from HO-13487 to your client during discovery in *SEC v. Keener*. We did withhold two categories of documents.

First, we did not produce privileged documents authored by FINRA, for which we provided a privilege log. The privileges FINRA asserted remain viable, and we do not intend to produce the underlying documents.

Second, we withheld certain irrelevant materials that came from the cell phone of Brandi Linn. We provided your client with all relevant documents from Ms. Linn, but, as we explained at the time, we did not produce certain personal communications and photographs (many of which are highly personal, and some are salacious). Rule of Practice 230 does not require us to produce these materials because we obtained them after the underlying enforcement investigation concluded and the Commission instituted the current administrative proceedings. Even still, these materials remain irrelevant to this case, and their production would cause unnecessary embarrassment to Ms. Linn.

Christopher F. Regan, Esq.
April 10, 2023

We believe that we have appropriately discharged our obligations under Rule of Practice 230. If you have any questions, please let us know.

Sincerely,

/s/
Joshua E. Braunstein
Antony Richard Petrilla