

BEFORE THE
U.S. SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C.

In the Matter of the Application of

JOSEPH SYLVESTER STURNIOLO

For Review of Action Taken By

FINRA

Admin. Proc. File No. 3-21503

APPLICANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME

Pursuant to SEC Rule of Practice 161 and Securities Exchange Act of 1934 Release No. 88415, Applicant, Mr. Sturniolo, respectfully moves to extend the briefing schedule deadlines by seven days to the following new deadlines: the brief in support of the application for review is due August 28, 2023, the brief in opposition is due September 27, 2023, and any reply briefs are due October 11, 2023. Counsel for Mr. Sturniolo has conferred with counsel for FINRA, and FINRA does not oppose this motion.

PROCEDURAL HISTORY AND FACTUAL BACKGROUND

1. On June 21, 2023, Mr. Sturniolo filed an application for review in this matter.
2. On July 21, 2023, the Commission issued its Order Scheduling Briefs, ordering that the brief in support of the application for review shall be filed by August 21, 2023, the brief in opposition shall be filed by September 20, 2023, and any reply brief shall be filed by October 4, 2023.

3. FINRA filed the Index to the Certified Record on June 30, 2023. The full certified record was requested by Mr. Sturniolo, but it was not received until on or about August 10, 2023.

4. Mr. Sturniolo required the full certified record in order to prepare the brief in support of the application for review.

5. Counsel for both Mr. Sturniolo and FINRA have conferred. FINRA does not oppose the relief requested.

MOTION FOR EXTENSION

6. The Commission established in SEC Rule of Practice 161(a) that the Commission “may, for good cause shown, extend or shorten any time limits prescribed by these Rules of Practice for the filing of any papers[.]” 17 C.F.R. § 201.161(a) (2020).

7. The factors to be considered by the Commission on whether to grant an extension of time are (1) the length of the proceeding to date, (2) the number of postponements, adjournments, or extensions already granted, (3) the stage of the proceedings at the time of the request, and (4) any other such matters as justice may require. See Dakota Sec. Int’l, Exchange Act Release No. 83139, 2018 SEC LEXIS 1019, at *2 (May 1, 2018); 17 C.F.R. 201.161(b).

8. Moreover, pursuant to Exchange Act Release No. 88415, issued March 18, 2020, “all reasonable requests for extensions of time will not be disfavored as stated in Rule 161.”

9. Good cause exists to grant Mr. Sturniolo’s request. Mr. Sturniolo seeks a minimal seven-day extension of time of the briefing deadlines due to receiving the certified record less than two weeks ago. The certified record contains 1,568 pages, and Mr. Sturniolo requires additional time to fully review the certified record and ensure proper citations are made in his opening brief. This is the first request of an extension of deadlines in this case. This case has only been pending for

two months. Mr. Sturniolo requires the additional time to adequately prepare his submission. Therefore, the relevant factors weigh in favor of granting Mr. Sturniolo's motion.

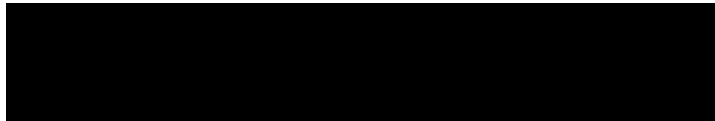
CONCLUSION

Applicant therefore respectfully request that the Commission extend the remaining deadlines in the Order Scheduling Briefs by seven days, as follows: the brief in support of the application for review is due August 28, 2023, the brief in opposition is due September 27, 2023, and any reply briefs are due October 11, 2023.

Dated: August 21, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Donna Montemayor, hereby certify that on this 21st day of August 2023, a true and correct copy of the foregoing *Applicant's Motion for Extension* of Time has been filed through the SEC's eFAP system and served by electronic mail as follows:

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[X] (STATE) I certify (or declare) under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct.

/s/ Donna Montemayor
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