

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

In the Matter of the Application of

Mark Kipling Durham

For Review of Action Taken By

FINRA

File No. 24-01276

Case No. 3-21981

MARK DURHAM’S RESPONSE TO ORDER REQUESTING ADDITIONAL BRIEFING

On October 17, 2024, applicant Mark Kipling Durham filed a brief in support of his application for review (“Opening Brief”). Undersigned counsel mistakenly failed to include the Certificate of Service to the Opening Brief. On October 23, 2024, undersigned counsel received an email from Celia Passaro, FINRA’s attorney-of-record, stating that while she did not initially receive the Opening Brief on October 17, 2024, she has since received a copy, but just needed the exhibits attached. Undersigned counsel sent the attached exhibits to Ms. Passaro on that date.

On October 17, 2024, Mr. Durham also filed a motion to adduce additional evidence (“Motion”). Undersigned counsel mistakenly listed Megan Rauch as counsel for FINRA, rather than Ms. Passaro. Undersigned counsel served the Motion on FINRA’s counsel, Ms. Passaro, on October 23, 2024 by electronic mail.

On November 14, 2024, the Commission issued an Order Requesting Additional Briefing (“Order”) stating that the Opening Brief did not include the required Certificate of Service and that the Motion’s Certificate of Service failed to list the FINRA attorney who has entered an appearance

in this matter. It was then ordered that, by November 22, 2024, Mr. Durham submit additional briefing certifying when and how the Opening Brief and Motion were served on the proper FINRA attorneys. Undersigned counsel was unaware of the Order until FINRA's counsel reached out requesting an update on the Order via email on November 26, 2024. Undersigned counsel respectfully requests to be allowed an extension of time to correct the above-mentioned errors. Undersigned counsel submits the information above to address the Commission's Order.

Respectfully submitted, December 2, 2024.



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CERTIFICATE OF SERVICE

I, Chloe Noonan, certify that on this 2nd day of December 2024, I caused a copy of the foregoing Response to Order Requesting Additional Briefing, in the matter of the Application for Review of Mark Kipling Durham, Administrative Proceeding File No. 3-21981, to be filed through the SEC's eFAP system.

And served by electronic mail on:

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