UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-22214

In the Matter of **EVAN H. KATZ,** **Respondent.**	**DIVISION OF ENFORCEMENT'S REQUEST FOR EXTENSION OF TIME TO RESPOND TO RESPONDENT'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL MEMORANDUM AND NEWLY DISCOVERED MATERIAL EVIDENCE IN FURTHER SUPPORT OF HIS PENDING MOTION FOR RECONSIDERATION AND, IN THE ALTERNATIVE, MODIFICATION**

The Division of Enforcement ("Division") respectfully requests a two-week extension from August 21, 2026 to September 4, 2026, to respond to "Respondent Evan H. Katz's Motion for Leave to File Supplemental Memorandum of Newly Discovered Material Evidence in Further Support of His Pending Motion for Reconsideration and, in the Alternative, Modification." The Division received the Motion by email at 6:50 p.m. on Friday, August 14, 2026. Pursuant to Commission Rule of Practice 201.154(b) [17 C.F.R. § 201.154(b)], the Division's response is due August 21, 2026.[1]

On Monday, August 17, 2026, the Division asked Respondent Evan Katz ("Katz") at 12:09 p.m. by email whether he will consent to this request. Katz has responded that he is only willing to consent to an extension to August 24, 2026, absent further discussions with Division counsel.[2]

[1] For the purpose of this request, the Division treats Respondent's Motion as subject to the Commission's Rules of Practice. However, the Division reserves the right to assert that Respondent's Motion is not properly before the Commission and/or to make any applicable jurisdictional argument.

[2] Specifically, Katz's email response reads as follows: "As you know, my Rule 154 motion was served on Friday, August 14, and the ordinary Rule 154 response deadline therefore is Friday,

OS Received 08/17/2026

I. Relevant Procedural Background

On September 27, 2024, the Commission issued, on Katz's consent, an Order Instituting Administrative Cease-and-Desist Proceedings against Katz. *In the Matter of Evan H. Katz*, A.P. File No. 3-22214, Sec. Act Rel. No. 11312 (Sept. 27, 2024) ("Settled OIP"). The Settled OIP ordered Katz to, *inter alia*, pay a civil penalty of $98,542.97, disgorgement in the amount of $98,542.97, and prejudgment interest of $5,397.83, all within 14 days of issuance of the Settled OIP. (*Id*. at 5.) Katz did not pay.

SEC counsel then filed an action in federal district court to convert the monetary relief provisions of the Settled OIP to a federal court judgment. *See generally SEC v. Katz*, 25-mc-01324 (E.D.N.Y.) ("District Court Action"). On April 25, 2025, the United States District Court for the Eastern District of New York entered a judgment against Katz, ordering him to pay the amounts owed under the Settled OIP plus applicable interest. (District Court Action, Dkt. No. 17.)

On September 22, 2025, Katz filed with the Commission the "Application by Respondent Evan H. Katz ("Katz") to Vacate Proceedings" seeking to vacate the Settled OIP. The Division

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August 21. Accordingly, an August 27 deadline therefore would give the Division nine business days in total from service of the motion to respond.

That is also the same total number of business days that the Division had to respond to my June 12 reconsideration / modification motion after the four-day extension that the Division requested and to which I consented. Given that prior precedent between us, nine business days should be more than sufficient absent some particular circumstance requiring additional time. Accordingly, I am happy to consent to an August 27 response deadline, with the agreement and understanding that the Division likewise will consent to a corresponding extension of any reply period otherwise available to me."

opposed that application. On June 3, 2026, the Commission issued a seven-page Order denying Katz's application in its entirety.

On June 12, 2026, Katz moved for reconsideration of the June 3 Order. On June 26, 2026, the Division filed its opposition to that motion, which is currently pending. On Friday, August 14, 2026, Katz filed the instant motion requesting leave to file a supplemental memorandum related to his pending motion for reconsideration.[3]

II. <u>Good Cause Exists to Grant to Extension Request</u>

Pursuant to Commission Rule 201.161 [17 C.F.R. § 201.161], the Commission may extend any deadline for good cause. Undersigned counsel and other Division attorneys who will work on and review the response have scheduling conflicts the week of August 17 to 28, 2026 that limit their ability to prepare the Division's response by the current deadline. The requested extension is modest and Katz will suffer no prejudice from the brief delay. Accordingly, the Division respectfully submits that good cause exists to extend the deadline for its response by two weeks, to September 4, 2026.

III. <u>Conclusion</u>

For the foregoing reasons, the Division respectfully requests that the Commission extend the Division's deadline to respond to the Motion by two weeks, until September 4, 2026.

[3] On July 17, 2026, Katz paid in full the civil penalty, disgorgement, and prejudgment interest owed under the Settled OIP and related district court judgment, while reserving his rights in respect of the pending motion for reconsideration.

OS Received 08/17/2026

Dated: August 17, 2026

Respectfully Submitted,

/s/ Christopher J. Dunnigan
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OS Received 08/17/2026

Certificate of Service

I, Christopher J. Dunnigan, Senior Trial Counsel for the Division of Enforcement, and counsel of record in this matter, hereby certify that, pursuant to Rule 150 of the Securities and Exchange Commission's Rules of Practice and Rules on Fair Funds and Disgorgement Plans that I caused to be served by regular mail and email the Division of Enforcement's "Request for Extension of Time to Respond to the Motion of Evan H. Katz for Leave to File Supplemental Memorandum and Newly Discovered Material Evidence in Further Support of His Pending Motion for Reconsideration and, in the Alternative, Modification" upon Howard Fischer, Esq., Moses & Singer LLP, The Chrysler Building 405 Lexington Avenue New York, NY 10174-1299, counsel of record for Respondent Evan H. Katz ("Katz"), and Katz, who filed the pending motion *pro se*.

August 17, 2026

/s/ Christopher J. Dunnigan
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OS Received 08/17/2026