

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION
July 22, 2019

SECURITIES EXCHANGE ACT OF 1934
Release No. 86428 / July 22, 2019

Admin. Proc. File No. 3-18723

In the Matter of

MARK MORROW

ORDER SETTING BRIEFING SCHEDULE

On September 5, 2018, the Commission instituted an administrative proceeding against Mark Morrow pursuant to Section 15(b) of the Securities Exchange Act of 1934.¹ On July 17, 2019, the Division of Enforcement filed a statement of the parties following a prehearing conference. The Division noted that Morrow, acting pro se, had reviewed and agreed with the statement.

The statement provided that, at the prehearing conference, the parties agreed not to request a hearing at this time and that the Division would move for summary disposition pursuant to Rule of Practice 250.² Rule 250 provides that summary disposition is appropriate if “there is no genuine issue with regard to any material fact and [] the movant is entitled to summary disposition as a matter of law.”³ An opposition to a motion for summary disposition

¹ *Mark Morrow*, Exchange Act Release No. 84042, 2018 WL 4216816 (Sept. 5, 2018).

² Under Rule of Practice 250, 17 C.F.R. § 201.250, motions for summary disposition may be made after documents have been made available to the respondent for inspection and copying pursuant to Rule of Practice 230, 17 C.F.R. § 201.230. The statement provides that, pursuant to Rule 230, “the Division offered to make available to the Respondent documents obtained by the Division prior to the institution of proceedings, in connection with the investigation leading to the Division’s recommendation to institute proceedings,” but that Morrow declined the offer.

³ 17 C.F.R. § 201.250(b).

should precisely specify in the brief the basis for that opposition, identify with particularity the material factual issues in dispute, and address relevant Commission precedent.⁴

The parties agreed to the following briefing schedule for the Division's motion: "30 days for the Division to file its motion and supporting brief; 45 days for the Respondent to file his opposition, if any; and 14 days for the Division to reply to any opposition." The parties agreed that the "additional time for the Respondent to file his opposition takes into account possible inefficiencies in the prison mail system and other factors relating to his incarceration."⁵

Accordingly, IT IS ORDERED that the Division's motion for summary disposition against Morrow is due by August 21, 2019; Morrow's opposition is due by September 20, 2019; and the Division's reply is due by October 4, 2019.⁶

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

⁴ See, e.g., *Peter Siris*, Exchange Act Release No. 71068, 2013 WL 6528874, at *11 & n.68 (Dec. 12, 2013) (discussing appropriateness of summary disposition in follow-on proceedings and providing citations); *Conrad P. Seghers*, Investment Advisers Act Release No. 2656, 2007 WL 2790633, at *4-6 (Sept. 26, 2007) (discussing unsuccessful attempt to oppose summary disposition), *petition denied*, 548 F.3d 129 (D.C. Cir. 2008).

⁵ The parties also agreed "that the Division will not seek any additional monetary relief against the Respondent in this proceeding."

⁶ Attention is called to Rules of Practice 150 – 153, 17 C.F.R. § 201.150 – 153, with respect to form and service, and Rule of Practice 250(e) and (f), 17 C.F.R. § 201.250(e) and (f), with respect to length limitations. Requests for extensions of time to file briefs will be disfavored.