

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933  
Release No. 10875 / October 15, 2020

SECURITIES EXCHANGE ACT OF 1934  
Release No. 90198 / October 15, 2020

Admin. Proc. File No. 3-16509

In the Matter of

EDWARD M. DASPIN, A/K/A “EDWARD  
(ED) MICHAEL”

ORDER EXTENDING TIME TO FILE REPLY BRIEF

On April 16, 2020, we granted Edward M. Daspin’s petition for review of an administrative law judge’s initial decision finding that Daspin had violated antifraud and registration provisions of the federal securities laws and imposing sanctions (the “Scheduling Order”).<sup>1</sup> In doing so, we ordered that Daspin’s opening brief in support of his petition for review be filed by May 18, 2020.<sup>2</sup> Daspin was subsequently granted repeated requests for extensions of time to file his opening brief, with the Commission most recently ordering that Daspin’s opening brief be filed by September 2, 2020; the Division’s brief in opposition by October 2, 2020; and Daspin’s reply brief by October 16, 2020.<sup>3</sup>

Daspin and the Division of Enforcement timely filed their opening and opposition briefs, but on October 13, 2020, Daspin sought an extension of time in which to file his reply brief. Daspin asserted that the Division’s opposition brief had exceed a 30-page length limitation and

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<sup>1</sup> *Edward M. Daspin*, Exchange Act Release No. 88661, 2020 WL 1903932, at \*1 (Apr. 16, 2020).

<sup>2</sup> *Id.* (ordering the Division’s opposition brief be filed by June 17, 2020 and any reply brief by July 1, 2020).

<sup>3</sup> *Edward M. Daspin*, Exchange Act Release No. 89448, 2020 WL 4463315, at \*7 (Aug. 3, 2020); *see also generally id.* at \*1 (outlining Daspin’s requests for extensions of time).

therefore asked that the time in which he had to file his reply brief begin running once the Division filed a compliant opposition brief. The Division responded the same day, explaining that there was “no reason for [Daspin] to delay filing [his] Reply Brief,” because the Commission’s Rules of Practice did not contain a 30-page length limitation. Rather, the Commission’s Rules state that opening and opposition briefs cannot exceed 14,000 words and that, if such a brief exceeds 30 pages, the filing party must provide a certification that the brief does not exceed 14,000 words.<sup>4</sup> The Division noted that its brief complied with these rules by containing a certification that it was 13,921 words—below the 14,000 word limit.

Later that day, Daspin again asked for an extension of time in which to file his reply brief. This time Daspin asked that the deadline for filing his reply be extended until October 24, 2020,<sup>5</sup> because he had been served with the Division’s opposition brief on October 8, 2020 and that certain health issues prevented him from filing a reply brief before then. The Division filed an opposition on the ground that it had emailed its opposition brief to Daspin on October 2 and served him with the opposition brief by UPS on October 3. The Division also argued that Daspin had not established that his health issues prevented him from filing a timely reply brief. Nonetheless, the Division consented to an extension to October 19, 2020.

As the Commission previously noted, Daspin has “repeatedly attempted to avoid or delay a resolution” in this proceeding by submitting “filings [that] often provide no factual or legal support for the relief he requests” despite the Commission’s repeated warnings that no briefs other than those specified in its scheduling order could be filed without leave of the Commission—leave that Daspin has neither sought nor received.<sup>6</sup> Under the circumstances, we will grant Daspin one additional week in which to file his reply brief. Any future requests for an extension of the time to file the reply brief will be disfavored. Daspin is reminded that his reply brief must be double spaced and must not exceed 7,000 words.<sup>7</sup> If the brief exceeds 15 pages, Daspin must provide a certification as to the number of words in the brief.<sup>8</sup>

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<sup>4</sup> Rule of Practice 450(c), (d), 17 C.F.R. § 201.450(c), (d).

<sup>5</sup> We note that October 24, 2020 is a Saturday.

<sup>6</sup> *Daspin*, 2020 WL 4463315, at \*1; *see also, e.g., id.* at \*6–7; *Daspin*, 2020 WL 1903932, at \*1.

<sup>7</sup> Rule of Practice 152(a)(5), 17 C.F.R. § 201.152(a)(5); Rule of Practice 450(c), 17 C.F.R. § 201.450(c).

<sup>8</sup> Rule of Practice 450(d), 17 C.F.R. § 201.450(d)

Therefore, it is ORDERED that the time in which Edward M. Daspin may file a reply brief is extended to October 23, 2020.

For the Commission, by its Secretary, pursuant to delegated authority.<sup>9</sup>

Vanessa A. Countryman  
Secretary

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<sup>9</sup> 17 C.F.R. § 200.30-7(a)(4).