

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 89089 / June 18, 2020

Admin. Proc. File No. 3-19740

In the Matter of

DONALD J. FOWLER

Respondent.

ORDER EXTENDING TIME TO FILE OPPOSITION TO MOTION FOR SUMMARY
DISPOSITION

On March 31, 2020, an order instituting administrative proceedings (“OIP”) was issued against Donald J. Fowler pursuant to Section 15(b) of the Securities Exchange Act of 1934.¹ Fowler was served with the OIP on April 9, 2020. After the parties filed a Joint Stipulation agreeing to an extension of time for Fowler to file his answer, the time for Fowler to file his answer was extended from April 29, 2020, to June 12, 2020.²

On June 8, 2020, Fowler filed a motion to stay the proceeding pending his appeal of the underlying civil suit.³ As part of his stay motion, Fowler filed a “general denial of each and every allegation” in the OIP. On June 15, 2020, the Division of Enforcement filed an opposition to Fowler’s stay motion and a motion for summary disposition pursuant to Rule of Practice 250.⁴

¹ *Donald J. Fowler*, Exchange Act Release No. 88529, 2020 WL 1545537 (Mar. 31, 2020).

² *Donald J. Fowler*, Exchange Act Release No. 88821, 2020 WL 2214206 (May 6, 2020).

³ *SEC v. Fowler*, 1:17-cv-139-GHW, 2020 WL 906182 (S.D.N.Y. Feb. 25, 2020) (entering an injunction, ordering disgorgement, and imposing civil money penalties against Fowler after a jury trial for violations of Section 10(b) of the Exchange Act and Rule 10b-5 thereunder and Sections 17(a)(2) and (3) of the Securities Act of 1933).

⁴ 17 C.F.R. § 201.250.

Pursuant to Rules of Practice 250(f) and 154(b), Fowler's deadline to respond to the Division's motion for summary disposition is June 22, 2020.⁵ Under the circumstances, it appears appropriate to extend the period in which Fowler is required to file an opposition brief. Accordingly, it is ORDERED that the time for Fowler to file a brief in opposition to the Division's motion for summary disposition is extended until after a ruling on his stay motion.

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

Vanessa A. Countryman
Secretary

⁵ *Id.* §§ 201.250(f) (response times in Rule 154(b) apply to opposition and reply briefs to motions for summary disposition in 75-day proceedings such as this one), 201.154(b) (briefs in opposition to a motion shall be filed within five days after service of the motion).