

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 5537 / July 14, 2020

Admin. Proc. File No. 3-19795

In the Matter of

STACY L. BEANE

ORDER SETTING BRIEFING SCHEDULE

On May 12, 2020, the Commission instituted an administrative proceeding against Stacy L. Beane pursuant to Section 203(f) of the Investment Advisers Act of 1940.¹ On July 8, 2020, the Division of Enforcement and Beane filed a joint statement following a prehearing conference held on July 2, 2020. The joint statement provided that, at the prehearing conference, the parties agreed that this matter should be resolved upon a motion for summary disposition to be filed by the Division 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

¹ *Stacy L. Beane*, Investment Advisers Act Release No. 5501, 2020 WL 2465530 (May 12, 2020).

² The joint statement also indicated that the parties “discussed the specific exhibits that the Division intended to use,” including certain sworn testimony that “[t]he Division has previously provided [Beane’s] counsel” 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. We assume that has occurred here. If that is not the case, the parties should notify the Commission and the scheduling order will be modified.

³ 17 C.F.R. § 201.250(b).

summary disposition 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 joint statement further represented that the parties had “generally discussed that the Division will strive to file its motion for summary disposition . . . by the end of July 2020 (or as soon thereafter as is practicable), and that the parties would thereafter have the standard times set forth in Rule 154(b) of Commission’s Rules of Practice to respond and reply thereto.”⁵ Based on these representations, we believe it appropriate to set the following briefing schedule for the Division’s motion for summary disposition. In doing so, we provide the parties with more time than generally provided in Rule 154(b) for the filing of opposition and reply briefs.

Accordingly, IT IS ORDERED that the Division’s motion for summary disposition against Beane is due by August 7, 2020; Beane’s opposition is due by September 7, 2020; and the Division’s reply is due by September 21, 2020.⁶

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 See 17 C.F.R. § 201.154(b) (providing that briefs in opposition to a motion shall be filed within five days after service of the motion and reply briefs within three days after service of the opposition).

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. See also *In re: Pending Admin. Proceedings*, Exchange Act Release No. 88415, 2020 WL 1322001, at *1 (Mar. 18, 2020) (stating that “pending further order of the Commission, all reasonable requests for extensions of time will not be disfavored as stated in Rule 161” (citing 17 C.F.R. § 201.161(b)(1))).