

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 96258 / November 8, 2022

INVESTMENT ADVISERS ACT OF 1940
Release No. 6184 / November 8, 2022

Admin. Proc. File Nos. 3-20248; 3-20249

In the Matter of

WESLEY KYLE PERKINS
and
WORLD TREE FINANCIAL, LLC

ORDER DENYING MOTIONS TO WITHDRAW AS COUNSEL FOR RESPONDENTS AND
EXTENDING THE TIME FOR RESPONDENTS TO FILE A BRIEF OPPOSING SUMMARY
DISPOSITION AND FOR THE DIVISION OF ENFORCEMENT TO FILE A REPLY

On March 22, 2021, the Securities and Exchange Commission (“Commission”) instituted proceedings, which were subsequently consolidated, against Wesley Kyle Perkins and World Tree Financial, LLC (“Respondents”).¹ Respondents, who are represented by common counsel, filed answers to the OIPs on May 28, 2021. On July 22, 2022, the Commission issued an order setting a summary disposition briefing schedule, requiring that briefs in support of motions for summary disposition be filed by August 19, 2022, opposition briefs be filed by September 16, 2022, and reply briefs be filed by September 30, 2022.² On August 19, 2022, the Division of Enforcement filed a motion for summary disposition against Respondents.

On September 6, 2022, prior to the deadline for Respondents to file an opposition to the Division’s motion for summary disposition, Respondents’ counsel filed motions to withdraw as counsel for Respondents. But counsel in proceedings before the Commission may withdraw from representing a party not by filing a motion to withdraw but rather by filing a notice of

¹ *Wesley Kyle Perkins*, Exchange Act Release No. 91378, 2021 WL 1168555 (Mar. 22, 2021) (order instituting proceedings); *World Tree Fin., LLC*, Advisers Act Release No. 5702, 2021 WL 1168567 (Mar. 22, 2021) (order instituting proceedings); *Wesley Kyle Perkins*, Exchange Act Release No. 95353, 2022 WL 2903858, at *3 (July 22, 2022) (order consolidating proceedings and setting summary disposition briefing schedule).

² *Perkins*, 2022 WL 2903858, at *3.

withdrawal pursuant to Rule of Practice 102(d)(4).³ That notice must contain information that Respondents' counsel did not include in their motions, and must be served not only on the Division but also on Respondents.⁴ In particular, Rule 102(d)(4) provides as follows:

Any person seeking to withdraw his or her appearance in a representative capacity shall file a notice of withdrawal with the Commission The notice shall state the name, mailing address, email address, and telephone number of the withdrawing representative; the name, email address, address, and telephone number of the person for whom the appearance was made; and the effective date of the withdrawal. If the person seeking to withdraw knows the name, mailing address, email address, and telephone number of the new representative, or knows that the person for whom the appearance was made intends to represent him- or herself, that information shall be included in the notice. The notice must be served on the parties in accordance with [Rule 150]. The notice shall be filed at least five days before the proposed effective date of the withdrawal.⁵

Accordingly, it is ORDERED that the motions to withdraw as counsel for Respondents are denied as inconsistent with our Rules of Practice. If counsel for Respondents wish to withdraw, they must serve and file a notice of withdrawal that complies with Rule 102(d)(4).

It is also ORDERED that the time for Respondents to file a brief in opposition to the Division's motion for summary disposition is extended to December 6, 2022, and that the Division may file a reply brief by December 20, 2022.

The parties' attention is directed to the most recent amendments to the Commission's Rules of Practice, which took effect on April 12, 2021, and which include e-filing requirements.⁶

³ 17 C.F.R. § 201.102(d)(4).

⁴ *Id.*; see also *BDO China Dahua CPA Co., Ltd.*, Exchange Act Release No. 72134, 2014 WL 1871077, at *2 (May 9, 2014) (stating that the requirement in Rule 102(d)(4) that a notice of withdrawal "be served on the parties" includes "any person named as a respondent," *i.e.*, the "attorney's own client," and that this requirement ensures "timely notice to both the Commission and the parties of the withdrawal" (internal quotation marks omitted)).

⁵ 17 C.F.R. § 201.102(d)(4).

⁶ *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020), <https://www.sec.gov/rules/final/2020/34-90442a.pdf>; *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments impose other obligations such as a redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465-81.

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

Vanessa A. Countryman
Secretary