

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 97185 / March 22, 2023

Admin. Proc. File No. 3-20816

In the Matter of

ANITA SGARRO

ORDER SCHEDULING BRIEFS

On April 8, 2022, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against Anita Sgarro pursuant to Section 15(b) of the Securities Exchange Act of 1934.¹ Respondent was served with the OIP and filed an answer.² The prehearing conference was continued on several occasions while the parties engaged in settlement efforts. After we denied Respondent’s recent stay motion,³ the parties conducted the prehearing conference. On March 17, 2023, the parties filed a joint statement proposing that the parties brief cross-motions for summary disposition pursuant to an agreed schedule. In light of the parties’ agreement, we believe it is appropriate to set the following briefing schedule.

Accordingly, IT IS ORDERED that the parties shall file their respective motions for summary disposition by April 25, 2023; the parties shall file their respective oppositions by May 16, 2023; and the parties may file any reply briefs by May 30, 2023.⁴

A brief in support of a motion for summary disposition should include references to relevant undisputed pleaded facts along with facts eligible to be officially noted pursuant to Rule

¹ *Anita Sgarro*, Exchange Act Release No. 94660, 2022 WL 1058704 (Apr. 8, 2022).

² *Anita Sgarro*, Exchange Act Release No. 95113, 2022 WL 2191139 (June 16, 2022).

³ *Anita Sgarro*, Exchange Act Release No. 97040, 2023 WL 2351154 (Mar. 3, 2023).

⁴ 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(b), (e), and (f), 17 C.F.R. § 201.250(b), (e), and (f), with respect to motion requirements and length limitations. *See also In re: Pending Admin. Proceedings*, Exchange Act Release No. 88415, 2020 WL 1322001 (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))).

of Practice 323,⁵ and should include, as attachments, relevant declarations, affidavits, and other supporting documentation. A brief in opposition to a motion for summary disposition should precisely specify the basis for that opposition, identify with particularity the material factual issues in dispute, and address relevant Commission precedent.⁶ Pursuant to Rule of Practice 180(c), a party's failure to file a required brief or comply with this order may result in the Commission's determination of the matter at issue against that party, entry of default, dismissal of the proceeding, or the prohibition of the introduction of evidence or the exclusion of testimony regarding the matter at issue.⁷

The parties' attention is directed to the e-filing requirements in the Rules of Practice.⁸

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

Vanessa A. Countryman
Secretary

⁵ 17 C.F.R. § 201.323.

⁶ 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), *pet. denied*, 773 F.3d 89 (D.C. Cir. 2014); *Conrad P. Seghers*, Advisers Act Release No. 2656, 2007 WL 2790633, at *4–6 (Sept. 26, 2007) (discussing unsuccessful attempt to oppose summary disposition), *pet. denied*, 548 F.3d 129 (D.C. Cir. 2008).

⁷ 17 C.F.R. § 201.180(c).

⁸ 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.