

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 97324 / April 19, 2023

Admin. Proc. File No. 3-20819

In the Matter of the Application of

NEIL JOSEPH GAGNON

For Review of Action Taken by

FINRA

ORDER
SCHEDULING
BRIEFS

Neil Joseph Gagnon filed an application, pursuant to Section 19(d)(2) of the Securities Exchange Act of 1934,¹ for review of action taken against him by the Financial Industry Regulatory Authority (“FINRA”). On April 22, 2022, FINRA filed a copy of the index to the record, pursuant to Rule 420(e) of the Rules of Practice,² as well as a motion to consolidate this case with the *Consolidated Arbitration Applications* and to postpone briefing. On April 4, 2023, in the opinion for the *Consolidated Arbitration Applications*, the Commission denied FINRA’s motion and provided that a separate briefing order would issue in this case.³

Accordingly, IT IS ORDERED, pursuant to Rule 450(a) of the Rules of Practice,⁴ that a brief in support of the application for review shall be filed by May 19, 2023. A brief in opposition shall be filed by June 20, 2023, and any reply brief shall be filed by July 5, 2023.⁵

¹ 15 U.S.C. § 78s(d)(2).

² 17 C.F.R. § 201.420(e).

³ *Consolidated Arbitration Applications*, Exchange Act Release No. 97248, 2023 WL 2805323, at *2 n.19 (Apr. 4, 2023) (citing Rule of Practice 450(a)(2)(ii), 17 C.F.R. § 201.450(a)(2)(ii), which provides that briefing schedules shall be issued within 21 days of FINRA’s filing of the record index, “or such longer time as provided by the Commission”).

⁴ 17 C.F.R. § 201.450(a); *see also Consolidated Arbitration Applications*, 2023 WL 2805323, at *2 n.19.

⁵ As provided by Rule 450(a), no briefs in addition to those specified in this schedule may be filed without leave of the Commission. Attention is called to Rule of Practice 450(b) and (c), 17 C.F.R. § 201.450(b) and (c), with respect to content and length limitations, and Rules of

Pursuant to Rule 180(c) of the Rules of Practice, failure to file a brief in support of the application may result in dismissal of this review proceeding.⁶

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

Vanessa A. Countryman
Secretary

Practice 150 - 153, 17 C.F.R. § 201.150 - 153, with respect to form and service. The parties' attention is also directed to the e-filing requirements in the Rules of Practice. *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464 (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 new redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465-81.

⁶ 17 C.F.R. § 201.180(c).