

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 97359 / April 24, 2023

Admin. Proc. File No. 3-21225

In the Matter of
DALIANG “DAVID” GUO

SCHEDULING ORDER

The Securities and Exchange Commission issued an Order Instituting Proceedings (“OIP”) on November 2, 2022, against Daliang “David” Guo pursuant to Section 15(b) of the Securities Exchange Act of 1934.¹ On April 18, 2023, the Division of Enforcement filed a Statement Regarding Prehearing Conference representing that the parties had conducted a prehearing conference on March 30, 2023, and advising the Commission on “the matters discussed and agreements reached. Among other things, the Division stated that it “anticipate[d] filing a motion for summary disposition,” and that the parties agreed that Guo would have 30 days to file a response and the Division would have 30 days to file a reply. On April 19, 2023, the Division filed its motion for summary disposition.²

Considering that Guo is incarcerated, it is appropriate to give him more time than in the parties’ agreement. Accordingly, it is ORDERED that Guo’s opposition is due by June 5, 2023, and the Division’s reply is due by July 10, 2023.³ We remind Guo that all filings he wishes to

¹ *Daliang “David” Guo*, Exchange Act Release No. 96207, 2022 WL 16647777 (Nov. 2, 2022).

² Motions for summary disposition may be made under Rule 250(b) after a respondent’s answer has been filed and documents have been made available to the respondent for inspection and copying pursuant to Rule of Practice 230. 17 C.F.R. §§ 201.250(b), 201.230. Guo submitted an answer and, according to the prehearing conference statement, the Division made available the Rule 230 documents on November 30, 2022.

³ 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 Pending Admin. Proceedings*, Exchange Act Release No. 88415, 2020 WL 1322001, at *1 (Mar. 18, 2020) (stating that “pending further order of the

make in this matter must be both sent to the Division and filed with the Commission's Office of the Secretary, and he must include a certificate of service with such filings.⁴

Rule of Practice 250(b) 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."⁵ Guo's opposition to the Division's motion for summary disposition should therefore specify the reasons for his opposition, identify which material factual issues he disputes, and cite to relevant Commission precedent.⁶ Under Rule of Practice 180(c), a party's failure to comply with this order may result in the Commission's determination of the matter at issue against that party, entry of a default, dismissal of the proceeding, or the prohibition of the introduction of evidence or the exclusion of testimony regarding the matter at issue.⁷

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

Vanessa A. Countryman
Secretary

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)).

⁴ See Rule of Practice 151(d), 17 C.F.R. § 201.151(d) (explaining that papers filed with the Commission must "be accompanied by a certificate stating the name of the person or persons served, the date of service, the method of service, and the mailing address or email address to which service was made, if not made in person."

⁵ 17 C.F.R. § 201.250(b)

⁶ See, e.g., *United Dev. Funding III, L.P.*, Exchange Act Release No. 85197, 2019 WL 936699, at *1-2 & nn.6-11 (Feb. 26, 2019) (discussing appropriateness of summary disposition in Section 12(j) proceeding); *Absolute Potential, Inc.*, Exchange Act Release No. 71866, 2014 WL 1338256, at *5-8 (Apr. 4, 2014) (discussing types of factual disputes that may be relevant in ruling on summary disposition in Section 12(j) proceeding).

⁷ 17 C.F.R. § 201.180(c).