

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 101567 / November 8, 2024

Admin. Proc. File No. 3-22099

In the Matter of the Application of
SEBASTIAN G. BONGIOVANNI
For Review of Action Taken by
FINRA

ORDER EXTENDING BRIEFING SCHEDULE

On September 5, 2024, Sebastian G. Bongiovanni filed an application for review of action taken against him by FINRA, which filed a copy of the index to the record on September 19, 2024, pursuant to Commission Rule of Practice 420(e).¹ On November 5, 2024, FINRA filed a motion to dismiss the application for review and to stay briefing. FINRA states that it vacated the bar that Bongiovanni challenges in his application for review and argues that the appeal should be dismissed as moot. FINRA also requests that the Commission stay the briefing schedule while the motion to dismiss is pending.

We construe FINRA's request for a stay as a request to postpone or extend the briefing schedule in the case pursuant to Rule of Practice 161.² Under the circumstances, we grant that request. FINRA filed its motion four days after FINRA sent Bongiovanni a letter notifying him that it had vacated the bar, and no previous extensions of the briefing schedule have been granted. Moreover, extending the briefing schedule would promote administrative efficiency because briefing on the merits would be unnecessary were the Commission to grant FINRA's

¹ 17 C.F.R. § 201.420(e).

² 17 C.F.R. § 201.161; *see Transp. Grp. (Secs.) Ltd.*, Exchange Act Release No. 98447, 2023 WL 6160538 (Sept. 20, 2023). Rule 161, which FINRA cites in support of its request for a stay, addresses extensions of time, postponements, and adjournments. 17 C.F.R. § 201.161. Under Rule 161(b), the factors the Commission considers in determining whether to grant such requests include: (i) the length of the proceeding to date, (ii) the number of postponements, adjournments, or extensions already granted, (iii) the stage of the proceedings at the time of the request, and (iv) any other such matters as justice may require. *Id.*

motion to dismiss.

Accordingly, IT IS ORDERED, pursuant to Rules of Practice 161 and 450(a),³ that the time for filing briefs related to the application for review is extended until such time as the Commission rules on the motion to dismiss and that, if the Commission denies the motion to dismiss, Bongiovanni shall file a brief in support of the application for review within 30 days after such determination; FINRA shall file an opposition brief within 30 days after the date the opening brief is due; and Bongiovanni shall file any reply within 14 days after the date the opposition brief is due.⁴ 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.⁵

For the Commission, by its Secretary, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

³ 17 C.F.R. § 201.450(a) (rules regarding briefing schedule orders).

⁴ 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 Practice 150 - 153, 17 C.F.R. § 201.150 - 153, with respect to form and service.

⁵ 17 C.F.R. § 201.180(c).