

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 102010 / December 20, 2024

Admin. Proc. File No. 3-22250

In the Matter of CHOICE ADVISORS, LLC, and MATTHIAS O'MEARA

ORDER REGARDING PREHEARING CONFERENCE

On October 15, 2024, the Securities and Exchange Commission issued an order instituting proceedings against Choice Advisors, LLC, and Matthias O'Meara (collectively, "Respondents") under Sections 15(b)(6), 15B, and 15B(c)(2) of the Securities Exchange Act of 1934 and Exchange Act Rule 15Bc4-1.¹ On December 12, 2024, the Commission issued an order requiring the parties to conduct a prehearing conference and to file a statement advising the Commission of any agreements reached at the conference.² Also on December 12, 2024, the parties filed a stipulation and proposed order, reciting that the Division of Enforcement intended to file a motion for summary disposition pursuant to an agreed briefing schedule.³

Given the parties' agreement, it appears appropriate to treat their December 12 filing as a statement that they have conducted a prehearing conference, to order their stipulated briefing schedule, and to order them to file with the Office of the Secretary a notice detailing any additional agreements that fall within the scope of the December 12 order.

¹ *Choice Advisors, LLC*, Exchange Act Release No. 101339, 2024 WL 4494866 (Oct. 15, 2024).

² *Choice Advisors, LLC*, Advisers Act Release No. 6785, 2024 WL 5106248 (Dec. 12, 2024) (inadvertently containing release number under the Investment Advisers Act of 1940).

³ Rule of Practice 250(b) permits any party in this proceeding to file a motion for summary disposition "after a respondent's answer has been filed and documents have been made available to that respondent for inspection and copying pursuant to" Rule of Practice 230. 17 C.F.R. §§ 201.230, .250(b). Assuming that the Division has made documents available to Respondents, the requirements for filing a motion for summary disposition appear to be satisfied. If this assumption is incorrect, the parties are requested to inform the Commission as soon as possible.

Accordingly, it is ORDERED that the Division shall file its motion for summary disposition by January 17, 2025; Respondents shall file any opposition by February 7, 2025; and the Division shall file any reply by February 28, 2025.⁴

It is FURTHER ORDERED that the parties shall file a statement identifying any additional agreements reached that fall within the scope of the order issued December 12, 2024, by January 3, 2025 or stating that there are no such agreements.

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 under Rule of Practice 323.⁵ The brief should also include, as attachments, relevant declarations, affidavits, and other supporting documentation. A brief in opposition to a motion for summary disposition should specify the basis for that opposition, identify with particularity the material factual issues in dispute, and address relevant Commission precedent.⁶ A party's failure to file a required brief or comply with this order may result in, among other things, the Commission's deeming that party to be in default or dismissal of the proceeding.⁷

⁴ Attention is called to Rules of Practice 150-153 with respect to form and service, and Rule 250(e) and (f) with respect to length limitations. 17 C.F.R. §§ 201.150-153, .250(e) and (f); see also <https://www.sec.gov/efapdocs/instructions.pdf> (electronic filing instructions).

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 Rule of Practice 180(c), 17 C.F.R. § 201.180(c).

We remind the parties that any document filed with the Commission must also be served upon all participants in the proceeding and be accompanied by a certificate of service.⁸ Filing a document through the Commission's electronic filing system does not serve it on opposing counsel.⁹

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

Vanessa A. Countryman
Secretary

⁸ See Rule of Practice 150, 17 C.F.R. § 201.150 (generally requiring parties to serve each other with their filings); Rule of Practice 151(d), 17 C.F.R. § 201.151(d) (requiring “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”).

⁹ See *Bradley C. Reifler*, Advisers Act Release No. 6304, 2023 WL 3274687, at *1 & n.3 (May 5, 2023) (noting that “[f]iling documents electronically using eFAP will not constitute service on Commission staff, such as the Division of Enforcement, or other participants in an administrative proceeding” (citation omitted)).