

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 99905 / April 4, 2024

Admin. Proc. File No. 3-21467

In the Matter of

LEE COHEN

ORDER REGARDING SERVICE OF THE DIVISION OF ENFORCEMENT'S MOTION FOR
ENTRY OF DEFAULT AND IMPOSITION OF REMEDIAL SANCTIONS

On May 25, 2023, the Securities and Exchange Commission issued an order instituting administrative proceedings ("OIP"), pursuant to Section 15(b) of the Securities Exchange Act of 1934, against Lee Cohen.¹ After Cohen failed to respond to the OIP, or to a subsequent order to show cause, the Division of Enforcement filed a motion for entry of default and imposition of remedial sanctions on January 31, 2024.

In the certificate of service associated with its filing, the Division stated that it had employed a process server to deliver copies of its motion and the Commission's order to show cause to Cohen "at the address where he is believed to reside and where he was previously duly served with the OIP." The Division stated that it would file a supplemental certificate of service once proof of such service was obtained. The Division has not made such a filing, and it does not purport to have served the motion on Cohen by other authorized means.² Because the record thus does not reflect that the Division has served Cohen with its motion, as is necessary to calculate the period in which Cohen may respond to the motion,³ it is appropriate to order the Division to supplement the record.

¹ *Lee Cohen*, Exchange Act Release No. 97594, 2023 WL 3685986 (May 25, 2023); 15 U.S.C. § 78o(b).

² *See* Rule of Practice 150(d), 17 C.F.R. § 201.150(d) (providing nonelectronic methods for service of papers by parties); *see also Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>, at 5 (discussing same).

³ *See* Rule of Practice 154(b), 17 C.F.R. § 201.154(b) ("Briefs in opposition to a motion shall be filed within five days after service of the motion.").

Accordingly, IT IS ORDERED that the Division of Enforcement file a status report concerning service of its motion for entry of default and imposition of remedial sanctions by May 2, 2024, and every 28 days thereafter until service is accomplished.

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

Vanessa A. Countryman
Secretary