UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 102695 / March 19, 2025

Admin. Proc. File No. 3-15123

In the Matter of

DOMINIC O'DIERNO

ORDER DIRECTING ADDITIONAL BRIEFS

On December 6, 2012, the Securities and Exchange Commission issued an order instituting proceedings, making findings, and imposing remedial sanctions against Dominic O'Dierno under Sections 15(b) and 21C of the Securities Exchange Act of 1934 (the "2012 Order").[1] On February 26, 2025, O'Dierno filed a motion titled "Petition for Reconsideration," in which he asks the Commission to modify certain sanctions imposed in the 2012 Order. The Division of Enforcement subsequently filed a notice indicating that it construed O'Dierno's filing as a motion for reconsideration under Rule of Practice 470.[2] The Division further requested that, if the Commission wanted it to file a response to O'Dierno's petition, the Division be allowed 30 days in which to file its response.[3]

Given the circumstances, including the uncertainty over whether O'Dierno's filing constitutes a motion for reconsideration under Rule 470, we believe the Commission would benefit from additional briefing. Accordingly, it is ORDERED that the Division file a response to O'Dierno's filing by April 18, 2025, and O'Dierno file any reply by May 19, 2025. In doing so, the parties should follow the length limitations in Rule of Practice 154(c).[4]

---

1 *Dominic O'Dierno*, Exchange Act Release No. 68371, 2012 WL 6054567 (Dec. 6, 2012), *vacated in part on other grounds*, Exchange Act Release No. 88624, 2020 WL 1862512 (Apr. 13, 2020); 15 U.S.C. §§ *78o*(b), 78u-3.

2 17 C.F.R. § 201.470.

3 *Id.* ("No response to a motion for reconsideration shall be filed unless requested by the Commission.").

4 17 C.F.R. § 201.154(c).

The parties' attention is directed to the e-filing requirements in the Rules of Practice.[5] O'Dierno is reminded that he must serve the Division of Enforcement with a copy of any document that he files with the Office of the Secretary and that he must include a certificate of service with each such document.[6] Filing a document through the Commission's electronic filing system does not serve it on opposing counsel. Any counsel representing O'Dierno shall also file a notice of appearance with the Office of the Secretary as soon as practicable, using the Commission's e-filing system.[7]

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

Vanessa A. Countryman
Secretary

---

[5] *See* Rules of Practice 151, 152(a), 17 C.F.R. §§ 201.151, .152(a) (providing procedure for filing papers with the Commission and mandating electronic filing in the form and manner posted on the Commission's website); *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, https://www.sec.gov/efapdocs/instructions.pdf. Parties generally also must certify that they have redacted or omitted sensitive personal information from any filing. Rule of Practice 151(e), 17 C.F.R. § 201.151(e).

[6] *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) ("Papers filed with the Commission . . . shall 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.").

[7] *See* Rule of Practice 102(d)(2), 17 C.F.R. § 201.102(d)(2) (specifying content of notice of appearance to be filed by counsel). The Commission's Rules of Practice are available at https://www.sec.gov/enforcement-litigation/rules-practice.