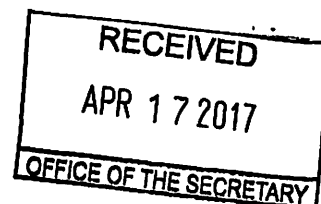


UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION



Administrative Proceeding  
File No. 3-17184

In the Matter of

**CHRISTOPHER M. GIBSON.**

**DIVISION'S REPLY IN SUPPORT OF MOTION TO  
STRIKE RESPONDENT'S OPENING BRIEF**

The Division of Enforcement ("Division") submits this reply in support of its motion to strike the opening brief of Respondent Christopher Gibson ("Gibson") because Gibson's brief greatly exceeds the length limitation established by Rule 450(c).

The Division's motion to strike notes that Gibson's opening brief contains approximately 19,400 words, which is more than 5,000 words in excess of the 14,000 words permitted by Rule 450(c).<sup>1</sup> The Division's motion also notes that although the certificate of counsel accompanying Gibson's brief stated that the Gibson brief contained fewer than 14,000 words, that certification is grossly inaccurate, apparently because Gibson's counsel chose, without justification, to exclude the numerous and lengthy footnotes from the word count. Div. Mot. at 2.

Gibson's opposition<sup>2</sup> does not deny that his brief contains far more than the permitted number of words. Nor does Gibson deny that his counsel's certification is inaccurate because it does not count the more than 5,000 words counsel has inserted in footnotes. While Gibson now asserts that the word count function used by the Division is different than the word count

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<sup>1</sup> See Division's Motion To Strike Respondent's Opening Brief ("Div. Mot."), filed April 7, 2017, at 1-2.

<sup>2</sup> Opposition To Division of Enforcement's Motion To Strike Respondent's Opening Brief ("Opp. Br."), filed April 13, 2017.

function used in preparing his opening brief, Gibson does not identify the word count function he used and has not shown that any conceivable word count function would indicate that his brief is within the 14,000-word limit when the footnotes are included as required by Rule 450.<sup>3</sup>

Tacitly admitting that his brief does not comply with Rule 450, Gibson states that he is "prepared to submit a revised brief." Opp. Br. at 4. The Division requests that he be ordered to do so, i.e., Gibson's opening brief should be stricken, subject to the provision that he may file a revised opening brief that complies with the length limitations of Rule 450. The Division further requests that the Commission provide that the Division's opposition will be due thirty days after Gibson files an opening brief that complies with Rule 450.

Date: 4/17/17

Respectfully submitted,

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<sup>3</sup> Microsoft Word 2010 allows the user to chose to include or exclude footnotes when counting the number of words in a document. As noted, Gibson's opening brief contains over 19,400 words including footnotes (not counting cover page, table of contents, table of authorities, signatures, and certifications). If the footnotes are excluded, Gibson's opening brief contains approximately 13,400 words. Gibson cannot be permitted to evade the length limitations in Rule 450 simply by opting to exclude footnotes from the word count, or by using a word count function that automatically excludes footnotes.

CERTIFICATE OF SERVICE

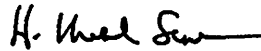
I hereby certify that on this 17<sup>th</sup> day of April, 2017, that:

(i) an original and three copies of the foregoing DIVISION'S REPLY IN SUPPORT OF MOTION TO STRIKE RESPONDENT'S OPENING BRIEF were filed with the Office of the Secretary, Securities and Exchange Commission, 100 F Street, N.E., Washington, D.C. 20549-9303;

(ii) a copy of the above-mentioned Division brief was sent via email to TFerrigno@brownrudnick.com and via UPS next day delivery to the following:

Thomas A. Ferrigno, Esq.  
Brown Rudnick LLP  
601 Thirteenth Street, N.W.  
Suite 600  
Washington, DC 20005; and

(iii) a courtesy copy of the above-mentioned Division brief was provided to Brenda P. Murray, Chief Administrative Law Judge, via email to ALJ@sec.gov.



H. Michael Semler