

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 80663 / May 11, 2017

INVESTMENT ADVISERS ACT OF 1940
Release No. 4706 / May 11, 2017

INVESTMENT COMPANY ACT OF 1940
Release No. 32633 / May 11, 2017

Admin. Proc. File No. 3-17184

In the Matter of

CHRISTOPHER M. GIBSON

ORDER GRANTING MOTION TO STRIKE AND MODIFYING BRIEFING SCHEDULE

The Division of Enforcement moves to strike the opening brief filed by Christopher M. Gibson in this review proceeding for failing to comply with the length limitation under Commission Rule of Practice 450(c). Gibson opposes the Division’s motion to strike, but states that “he is prepared to submit a revised brief in accordance with the terms of an order entered by the Commission.” We grant the Division’s motion and modify the briefing schedule.

Commission Rule of Practice 450(c) states that opening briefs “shall not exceed 14,000 words” except by leave of the Commission, and Rule 180(b) authorizes the Commission to reject any filing that fails to comply with the Rules of Practice.¹ Gibson does not dispute the Division’s assertion that the opening brief exceeds Rule 450(c)’s word limit, and at no time has he sought leave to file an oversized brief. And our own calculation shows that Gibson’s brief exceeds the word limitation by approximately 4,000 words—an amount suggesting that Gibson’s counsel improperly excluded footnotes when certifying that the brief complied with “Rule 450 in that it contains 13,460 words.”²

¹ 17 C.F.R. §§ 201.450(c), 180(b).

² The opening brief also improperly put the footnotes in 10-point font. *See* 17 C.F.R. § 201.152(a)(2) (requiring that papers be “typewritten or printed in 12-point or larger typeface”).

Accordingly, it is ORDERED that Christopher M. Gibson's opening brief filed on April 5, 2017 be rejected. It is further ORDERED that Gibson file a revised opening brief that complies with the Commission's Rules of Practice by five business days after service of this order; that the Division file a brief in opposition by thirty days after service of the opening brief; and that Gibson file any reply brief by fourteen days after service of the opposition brief.³

By the Commission.

Brent J. Fields
Secretary

³ This schedule supersedes our previous order extending the filing deadlines. *See Christopher M. Gibson*, Exchange Act Release No. 32609, 2017 WL 1425431 (Apr. 21, 2017).