

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION  
December 3, 2020

SECURITIES EXCHANGE ACT OF 1934  
Release No. 90561 / December 3, 2020

Admin. Proc. File No. 3-20127

In the Matter of the Application of  
  
ERIC S. SMITH  
  
For Review of Disciplinary Action Taken by  
  
FINRA

ORDER  
SCHEDULING  
BRIEFS

Eric S. Smith filed an application, pursuant to Section 19(d)(2) of the Securities Exchange Act of 1934,<sup>1</sup> for review of disciplinary action taken against him by the Financial Industry Regulatory Authority ("FINRA"). FINRA filed a copy of the index to the record on November 12, 2020, pursuant to Rule 420(e) of the Rules of Practice.<sup>2</sup>

Accordingly, IT IS ORDERED, pursuant to Rule 450(a) of the Rules of Practice,<sup>3</sup> that a brief in support of the application for review shall be filed by January 4, 2021. A brief in

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<sup>1</sup> 15 U.S.C. § 78s(d)(2).

<sup>2</sup> 17 C.F.R. § 201.420(e).

<sup>3</sup> 17 C.F.R. § 201.450(a).

opposition shall be filed by February 3, 2021, and any reply brief shall be filed by February 17, 2021.<sup>4</sup> Pursuant to Rule 180(c) of the Rules of Practice, failure to file a brief in support of the application may result in dismissal of this review proceeding.<sup>5</sup>

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

Vanessa A. Countryman  
Secretary

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<sup>4</sup> As provided by Rule 450(a), no briefs in addition to those specified in this schedule may be filed without leave of the Commission. Attention is called to Rule of Practice 450(b) and (c), 17 C.F.R. § 201.450(b) and (c), with respect to content and length limitations, and Rules of Practice 150 - 153, 17 C.F.R. § 201.150 - 153, with respect to form and service, as well as the Commission's March 18, 2020 order providing further instructions regarding the filing and service of papers in appeals of action taken by FINRA. *See In re: Pending Administrative Proceedings*, Exchange Act Release No. 88415, <https://www.sec.gov/litigation/opinions/2020/33-10767.pdf>. We note that the parties have agreed to waive paper service of all opinions and orders and instead accept service by email.

<sup>5</sup> 17 C.F.R. § 201.180(c).