

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 94909 / May 13, 2022

INVESTMENT ADVISERS ACT OF 1940
Release No. 6022 / May 13, 2022

Admin. Proc. File No. 3-20795

In the Matter of
LAURENCE G. ALLEN

ORDER SCHEDULING BRIEFS

The Securities and Exchange Commission (“Commission”) issued an Order Instituting Proceedings (“OIP”) on March 14, 2022, against Laurence G. Allen (“Respondent”) pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940.¹ Allen filed his answer on April 4, 2022. On April 18, 2022, a group of investors filed a motion seeking leave to file an amicus curiae brief pursuant to Rule of Practice 210(d) or, in the alternative, to state their views under Rule of Practice 210(e); the Division of Enforcement opposes this motion.² The parties submitted a joint prehearing conference statement on May 4, 2022. The joint statement proposes a briefing schedule for the parties to file motions for summary disposition pursuant to Commission Rule of Practice 250.³

In light of the parties’ agreement that “this proceeding can be resolved by motion for summary disposition,” and the filings received to date, we believe it is appropriate to set the following briefing schedule. Accordingly, IT IS ORDERED that any motion for summary

¹ *Laurence Allen*, Exchange Act Release No. 94411, 2022 WL 770103 (Mar. 14, 2022).

² 17 C.F.R. § 201.201(d)-(e).

³ 17 C.F.R. § 201.250(b). Motions for summary disposition may be made under Rule 250(b) after a respondent’s answer has been filed and documents have been made available to the respondent for inspection and copying pursuant to Rule of Practice 230. *Id.*; 17 C.F.R. § 201.230. The parties should promptly inform the Commission if that has not yet occurred.

disposition shall be filed on or before June 3, 2022; any opposition shall be filed on or before July 8, 2022; and any reply shall be filed on or before July 29, 2022.

An opposition to a motion for summary disposition should precisely specify in the brief the basis for that opposition, identify with particularity the material factual issues in dispute and the evidence giving rise to that dispute, and address relevant Commission precedent.⁴

Pursuant to Rule of Practice 180(c), a party's failure to file a brief or comply with this order may result in the Commission's determination of the matter at issue against that party, entry of default, dismissal of the proceeding, or the prohibition of the introduction of evidence or the exclusion of testimony regarding the matter at issue.⁵

It is FURTHER ORDERED that the April 18 motion for leave to file an amicus curiae brief is DENIED WITHOUT PREJUDICE as premature, and that anyone seeking to participate as an amici shall file a motion for leave to file an amicus brief, accompanied by the proposed amicus brief, pursuant to Rule of Practice 210(d) no later than seven days after the filing of the opening papers of the party being supported.⁶ Amicus briefs should "add something distinctive to the presentation of the issues" rather than "merely duplicate the arguments of the parties," although an amicus may not inject new "issues that have not been presented by the parties" or enlarge the record with new evidentiary material bearing on adjudicative facts.⁷

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

Vanessa A. Countryman
Secretary

⁴ See, e.g., *Peter Siris*, Exchange Act Release No. 71068, 2013 WL 6528874, at *11 & n.68 (Dec. 12, 2013) (discussing appropriateness of summary disposition in follow-on proceedings and providing citations), *petition denied*, 773 F.3d 89 (D.C. Cir. 2014); *Conrad P. Seghers*, Investment Advisers Act Release No. 2656, 2007 WL 2790633, at *4-6 (Sept. 26, 2007) (discussing unsuccessful attempt to oppose summary disposition), *petition denied*, 548 F.3d 129 (D.C. Cir. 2008).

⁵ 17 C.F.R. § 201.180(c).

⁶ 17 C.F.R. § 201.201(d).

⁷ *BDO China Dahua CPA Co.*, Exchange Act Release No. 72753, 2014 WL 3827605, at *2 (Aug. 4, 2014) (internal quotation marks omitted).