

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 91737 / April 30, 2021

ADMINISTRATIVE PROCEEDING
File No. 3-19793

In the Matter of	:	
	:	
Morgan Stanley Smith Barney	:	
LLC,	:	
	:	
Respondent.	:	

SECOND EXTENSION ORDER

The Division of Enforcement (“Division”) has requested an extension of time until July 30, 2021 to submit a Proposed Plan of Distribution under Rule 1101(a) of the Commission’s Rules on Fair Fund and Disgorgement Plans, 17 C.F.R. § 201.1101(a).

On May 12, 2020, the Commission issued an Order Instituting Administrative and Cease-and-Desist Proceedings, Pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Sections 203(e) and 203(k) of the Investment Advisers Act of 1940, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order (the “Order”)¹ against Morgan Stanley Smith Barney LLC (the “Respondent”). The Commission ordered the Respondent to pay a \$5,000,000 civil money penalty to the Commission. The Commission also created a Fair Fund, pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002, so the penalty paid can be distributed to harmed investors (the “Fair Fund”).

¹ Exchange Act Rel.No. 88856 (May 12, 2020).

The Fair Fund consists of the \$5,000,000 in civil money penalties paid by the Respondent.

On July 23, 2020, the Secretary, pursuant to delegated authority, issued an order extending the Division's time until April 30, 2021 to submit a proposed plan of distribution.² The Division now believes an additional three months of time is needed. In its request for an extension of time, the Division states that additional time is needed to complete the fund administrator appointment process, develop the distribution methodology, and develop the plan of distribution.

Accordingly, for good cause shown, IT IS HEREBY ORDERED that the Division's request for an extension of time until July 30, 2021 to submit a Proposed Plan of Distribution is granted.

For the Commission, by the Division of Enforcement, pursuant to delegated authority.³

Vanessa A. Countryman
Secretary

² Extension Order, Exchange Act Rel. No. 89383 (July 23, 2020).

³ 17 C.F.R. § 200.30-4(a)(21)(i).