

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 100805 / August 22, 2024

Admin. Proc. File No. 3-21864

In the Matter of  
APPLIED MINERALS, INC.

SCHEDULING ORDER

On February 27, 2024, the Securities and Exchange Commission issued an order instituting proceedings (“OIP”) against Applied Minerals, Inc. (“Respondent”) pursuant to Section 12(j) of the Securities Exchange Act of 1934.<sup>1</sup> The parties held a prehearing conference on May 15, 2024, and filed a joint statement regarding it on May 20, 2024. The joint statement indicated that the Division of Enforcement anticipated filing a motion for summary disposition if the matter did not settle and that the parties agreed to deadlines of 30 calendar days for filing an opposition and 30 calendar days for filing a reply brief to such a motion, without prejudice to the parties’ right to file a motion to seek an extension.<sup>2</sup> On August 14, 2024, the Division of Enforcement filed a motion for summary disposition requesting that the Commission issue an order revoking the registration of Respondent’s securities.

In light of the parties’ joint statement agreeing to briefing deadlines regarding the motion for summary disposition, it appears appropriate to set the following schedule. Accordingly, it is ORDERED that the Respondent shall file a response to the Division’s motion for summary disposition by September 13, 2024, and the Division may file a reply by October 15, 2024.<sup>3</sup> The

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<sup>1</sup> *Applied Minerals, Inc.*, Exchange Act Release No. 99611, 2024 WL 835269 (Feb. 27, 2024).

<sup>2</sup> See Rule of Practice 221(e), 17 C.F.R. § 201.221(e) (providing for entry of order that “recites the agreements reached” at the prehearing conference).

<sup>3</sup> October 13, 2024, is a Sunday, and October 14, 2024, is a federal holiday.

parties may request that the Commission extend or stay deadlines based on settlement discussions or for other good cause shown.<sup>4</sup>

Rule of Practice 250(b) provides that summary disposition is appropriate if “there is no genuine issue with regard to any material fact and . . . the movant is entitled to summary disposition as a matter of law.”<sup>5</sup> A brief in opposition to a motion for summary disposition should precisely specify the basis for that opposition, identify with particularity the material factual issues in dispute, and address relevant Commission precedent.<sup>6</sup> Pursuant to Rule of Practice 180(c), a party’s failure to file a required 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.<sup>7</sup>

The parties’ attention is directed to Rule of Practice 250 governing dispositive motions, including length limitations.<sup>8</sup> Attention is further directed to the e-filing requirements in the Rules of Practice.<sup>9</sup> We also remind the parties that any document filed with the Commission

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<sup>4</sup> See *Leon Vaccarelli*, Exchange Act Release No. 98757, 2023 WL 6879121, at \*3 (Oct. 16, 2023) (explaining that a party may request extension or stay of deadlines based on settlement discussions); Rule of Practice 161, 17 C.F.R. § 201.161 (providing for extensions of time, postponements, and adjournments in administrative proceedings).

<sup>5</sup> 17 C.F.R. § 201.250(b).

<sup>6</sup> See, e.g., *United Dev. Funding III, L.P.*, Exchange Act Release No. 85197, 2019 WL 936699, at \*1-2 & nn.6-11 (Feb. 26, 2019) (discussing appropriateness of summary disposition in Section 12(j) proceeding); *Absolute Potential, Inc.*, Exchange Act Release No. 71866, 2014 WL 1338256, at \*5-8 (Apr. 4, 2014) (discussing types of factual disputes that may be relevant in ruling on summary disposition in Section 12(j) proceeding).

<sup>7</sup> 17 C.F.R. § 201.180(c).

<sup>8</sup> 17 C.F.R. § 201.250.

<sup>9</sup> See Rules of Practice 151, 152(a), 17 C.F.R. §§ 201.151, .152(a) (providing procedure for filing papers with the Commission and mandating electronic filing in the form and manner posted on the Commission’s website); *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. Parties generally also must certify that they have redacted or omitted sensitive personal information from any filing. Rule of Practice 151(e), 17 C.F.R. § 201.151(e).

must be served upon all participants in the proceeding and be accompanied by a certificate of service.<sup>10</sup>

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

Vanessa A. Countryman  
Secretary

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<sup>10</sup> See Rule of Practice 150, 17 C.F.R. § 201.150 (generally requiring parties to serve each other with their filings); Rule of Practice 151(d), 17 C.F.R. § 201.151(d) (“Papers filed with the Commission . . . shall be accompanied by a certificate stating the name of the person or persons served, the date of service, the method of service, and the mailing address or email address to which service was made, if not made in person.”).