

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 100891 / September 3, 2024

Admin. Proc. File No. 3-21981

In the Matter of the Application of

MARK KIPLING DURHAM

For Review of Action Taken by

FINRA

ORDER SCHEDULING BRIEFS

Mark Kipling Durham filed an application under Section 19(d)(2) of the Securities Exchange Act of 1934 for review of action taken by FINRA.¹ FINRA filed a copy of the index to the record on August 12, 2024.²

Accordingly, IT IS ORDERED that a brief in support of the application for review shall be filed by October 3, 2024.³ A brief in opposition shall be filed by November 4, 2024, and any reply brief shall be filed by November 18, 2024. Failure to file a brief in support of the application may result in dismissal of this review proceeding.⁴ No briefs other than those specified in this schedule may be filed without leave of the Commission.⁵

The parties' attention is directed to the Commission's Rules of Practice governing content and length limitations.⁶ Attention is further directed to the e-filing requirements in the

¹ 15 U.S.C. § 78s(d)(2).

² See Rule of Practice 420(e); 17 C.F.R. § 201.420(e).

³ See Rule of Practice 450(a); 17 C.F.R. § 201.450(a).

⁴ See Rule of Practice 180(c); 17 C.F.R. § 201.180(c).

⁵ See Rule of Practice 450(a), 17 C.F.R. § 201.450(a).

⁶ See Rule of Practice 450(b) and (c), 17 C.F.R. § 201.450(b) and (c) (governing content and length); see also Rule of Practice 152, 17 C.F.R. § 201.152 (governing form).

Rules of Practice.⁷ And we remind the parties that any document filed with the Commission must also be served upon all participants in this proceeding and be accompanied by a certificate of service.⁸

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

Vanessa A. Countryman
Secretary

⁷ 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).

⁸ See Rule of Practice 150, 17 C.F.R. § 201.150 (requiring parties generally 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.”).