

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 6786 / December 12, 2024

Admin. Proc. File No. 3-22308

In the Matter of

DAVID M. ANTHONY

ORDER SCHEDULING BRIEFS

On November 8, 2024, the Securities and Exchange Commission issued an order instituting proceedings against David M. Anthony (“Respondent”), pursuant to Section 203(f) of the Investment Advisers Act of 1940.¹ On November 18, 2024, the Division of Enforcement and Respondent filed a prehearing conference report in which they stated that they had agreed to a schedule for the Division’s filing of any dispositive motion (for a ruling on the pleadings or summary disposition) and for the filing of opposition and reply briefs. Given the parties’ agreement, we believe it is appropriate to adopt the schedule they propose.

Accordingly, it is ORDERED that any Division dispositive motion shall be filed by December 13, 2024; Respondent’s opposition brief shall be filed by January 3, 2025; and the Division’s reply brief shall be filed by January 10, 2025.²

A brief in support of a motion for summary disposition should include references to relevant undisputed pleaded facts along with facts eligible to be officially noted under Rule of Practice 323.³ The brief should also include, as attachments, relevant declarations, affidavits, and other supporting documentation. A brief in opposition to a motion for summary disposition should specify the basis for that opposition, identify with particularity the material factual issues

¹ *David M. Anthony*, Advisers Act Release No. 6772, 2024 WL 4723205 (Nov. 8, 2024).

² Attention is called to Rules of Practice 150-153 with respect to form and service, and Rule 250(e) and (f) with respect to length limitations. 17 C.F.R. §§ 201.150-153, .250(e) and (f); *see also* <https://www.sec.gov/efapdocs/instructions.pdf> (electronic filing instructions).

³ 17 C.F.R. § 201.323.

in dispute, and address relevant Commission precedent.⁴ A party's failure to file a required brief or comply with this order may result in, among other things, the Commission's deeming that party to be in default or dismissal of the proceeding.⁵

We remind the parties that any document filed with the Commission must also be served upon all participants in the proceeding and be accompanied by a certificate of service.⁶

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), *pet. denied*, 773 F.3d 89 (D.C. Cir. 2014); *Conrad P. Seghers*, Advisers Act Release No. 2656, 2007 WL 2790633, at *4-6 (Sept. 26, 2007) (discussing unsuccessful attempt to oppose summary disposition), *pet. denied*, 548 F.3d 129 (D.C. Cir. 2008).

⁵ Rule of Practice 180(c), 17 C.F.R. § 201.180(c).

⁶ 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) (requiring "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").