

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-22214

In the Matter of

EVAN H. KATZ,

Respondent.

DIVISION OF ENFORCEMENT'S
REQUEST FOR EXTENSION OF TIME
TO FILE OPPOSITION TO THE MOTION
OF RESPONDENT EVAN H. KATZ TO
VACATE ORDER INSTITUTING
PROCEEDINGS

The Division of Enforcement (“Division”) respectfully requests a 14-day extension, until December 3, 2025, to file its opposition to the motion (“Motion”) of Respondent Evan H. Katz (“Katz”) to vacate the settled Order Instituting Proceedings (“Settled OIP”), and that Katz’s time to file a reply be extended to December 19, 2025. The Division received the Motion by email on September 30, 2025, one day before the recent lapse in appropriations. Thus, assuming that Commission Rule of Practice 201.154 [17 C.F.R. § 201.154] applies to the motion, the Division’s response to the Motion is currently due November 19, 2025.¹² Katz consents to this request.

¹ On October 1, 2025, the Commission issued an Order staying all administrative proceedings (the “Stay Order”). *In re: Pending Administrative Proceedings*, Sec. Act Rel. No. 3-11392 (October 1, 2025). The Division assumes that its time to respond to the Motion begins running November 13, 2025, the date the lapse in appropriations ended.

² For the purpose of this extension request, the Division treats Respondent’s Motion as subject to the Commission’s Rules of Practice. However, the Division reserves the right to assert that Respondent’s Motion is not properly before the Commission and/or to make any applicable jurisdictional argument.

I. Relevant Procedural Background

On September 27, 2024, the Commission issued the Settled OIP. *In the Matter of Evan H. Katz*, A.P. File No. 3-22214, Sec. Act Rel. No. 11312 (Sept. 27, 2024). The Commission ordered Katz to, *inter alia*, pay a civil penalty of \$98,542.97, disgorgement in the amount of \$98,542.97, and prejudgment interest of \$5,397.83 within 14 days of issuance of the Settled OIP. (*Id.* at 5.) Katz failed to pay the Commission. Pursuant to Securities and Exchange Act of 1934 Section 21(e) [15 U.S.C. § 78u], Division counsel converted the monetary relief provisions of the Settled OIP to a District Court Judgment. On March 31, 2025, in the United States District Court for the Eastern District of New York entered the District Court Judgment against Katz and ordered Katz to pay the amounts ordered in the Settled OIP plus applicable interest. *SEC v. Katz*, 25-mc-01324 (E.D.N.Y. March 31, 2025) (Dkt. No. 17).

II. Good Cause Exists to Grant to Extension Request

Pursuant to Commission Rule 201.161 [17 C.F.R. § 201.161], good cause exists to extend the deadline for the Division to file its opposition papers with the Commission. The Motion requires the Division to: (i) analyze the jurisdictional issues presented in light of the conversion of the applicable portion of the Settled OIP to a final district court judgment; (ii) analyze and respond to Respondent's argument that the settled OIP was purportedly an "Improper Extension of Strict Liability Standards" contained in Sections 17(a)(2) & (3) of the Securities Act of 1933 [15 U.S.C. § 77q(a)(2) & (3)]; and (iii) review the case file to compare it to the numerous declarations and letters submitted in support of the Motion. Additionally, as noted above, Respondent consents to the requested extension.

III. Conclusion

For the foregoing reasons, the Division respectfully requests that the Commission enter an Order extending the Division's time to respond to the Motion by 14 days, until December 3, 2025, and that Respondent's time to file a reply be extended to December 19, 2025.

Dated: November 14, 2025

Respectfully Submitted,

/s/ Christopher J. Dunnigan

Christopher J. Dunnigan

Nicholas Flath

Rhonda Jung

DIVISION OF ENFORCEMENT

United States Securities and Exchange Commission

New York Regional Office

100 Pearl Street, Suite 20-100

New York NY 10004

t: 212-336-0061

dunnigancj@sec.gov

Certificate of Service

I, Christopher J. Dunnigan, Senior Trial Counsel for the Division of Enforcement, and counsel of record in this matter, hereby certify that, pursuant to Rule 150 of the Securities and Exchange Commission's Rules of Practice and Rules on Fair Funds and Disgorgement Plans that I caused to be served by UPS and email the Opposition of the Division of Enforcement to Application of Respondent Evan H. Katz for Emergency Order upon Howard Fischer, Esq., Moses & Singer LLP, The Chrysler Building 405 Lexington Avenue New York, NY 10174-1299, counsel of record for Respondent Evan H. Katz.

November 14, 2025

/s/ Christopher J. Dunnigan
Christopher J. Dunnigan
Senior Trial Counsel
Securities and Exchange Commission
Division of Enforcement
New York Regional Office
100 Pearl Street, Suite 20-100
New York, NY 10004-2616
t: (212) 336-0061
dunnigancj@sec.gov