

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1059/November 21, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15522

In the Matter of	:	
	:	ORDER DENYING
LEFT BEHIND GAMES, INC.	:	OMNIBUS MOTION
	:	

The Securities and Exchange Commission (Commission) issued an Order Instituting Administrative Proceedings (OIP) in this proceeding, pursuant to Section 12(j) of the Securities Exchange Act of 1934, on September 25, 2013.

A schedule was set for motions for summary disposition at a November 5, 2013, prehearing conference, with motions due by November 22, 2013. On November 20, 2013, this Office received an email attaching an untitled motion by Troy Lyndon (Lyndon).¹ The email asked this Office to assist Lyndon in filing the attached motion with the Office of the Secretary. The motion does not directly address the allegations of the OIP and, therefore, is not construed as a motion for summary disposition. Instead, it is construed as an omnibus motion seeking various forms of relief (Omnibus Motion). For the following reasons, each of the nine requests is DENIED, and the Division need not respond to the Omnibus Motion.

Request No. 1: “Order that SEC be barred from any further actions against [Lyndon] personally with regard to [Lyndon’s] representation of the company in this administrative proceeding.”

Request No. 1 is DENIED. I lack authority to grant such relief.

Request No. 2: “Order SEC to promptly close its investigation, which so long as it is open, FINRA continues to use as the primary reason to deny any corporate action.”

Request No. 2 is DENIED. I lack authority to grant such relief.

¹ Lyndon was granted leave to appear on behalf of Left Behind Games, Inc., solely in his capacity as controlling shareholder during the November 5, 2013, prehearing conference. See Left Behind Games, Inc., Admin. Proc. Rulings Release No. 1025 (Nov. 6, 2013).

Request No. 3: “Order SEC and FINRA to produce documents pertaining to Left Behind Games, including but not limited to its officers, directors, shareholders, auditors and attorneys . . . [.]”

Request No. 3 is DENIED WITHOUT PREJUDICE. The proper avenue for seeking documents is through a subpoena, which must be drafted and submitted by Lyndon in accordance with Rule 232 of the Commission’s Rules of Practice. See 17 C.F.R. § 201.232. All subpoena requests must be served on counsel for the Division of Enforcement and filed with the Secretary’s Office. See 17 C.F.R. §§ 201.150, .151, .152, .232(a), (c).

Request No. 4: “Order PCAOB and SEC produce documents pertaining to Left Behind Games, including but not limited to its officers, directors, shareholders, auditors and attorneys . . . [.]”

Request No. 4 is DENIED WITHOUT PREJUDICE for the same reason as Request No. 3.

Request No. 5: “Order DTCC to produce . . . documents pertaining to Left Behind Games, including but not limited to its officers, directors, shareholders, auditors and attorneys . . . [.]”

Request No. 5 is DENIED WITHOUT PREJUDICE for the same reason as Request No. 3.

Request No. 6: “Order Elik Topolosky (FINRA), Luccee Kirka (SEC) and Mark Blau (SEC) be required to appear and give testimony at this pending trial.”

Request No. 6 is DENIED WITHOUT PREJUDICE. There is no hearing scheduled in this proceeding. I will schedule a hearing if, after considering motions for summary disposition, a genuine dispute of material fact exists that warrants a hearing.

Request No. 7: “Order SEC to pay for the company to hire an attorney, based upon the same hourly rate itself [sic] pays outside counsel, to more adequately represent the company in this or in any related proceeding.”

Request No. 7 is DENIED. I lack authority to grant such relief.

Request No. 8: “Order SEC to pay for the company to re-hire Malone Bailey, or another licensed auditor, to bring the company’s filings current.”

Request No. 8 is DENIED. I lack authority to grant such relief.

Request No. 9: “Order SEC to pay the company compensatory damages as the judge shall determine.”

Request No. 9 is DENIED. I lack authority to grant such relief.

The parties are reminded that motion papers must be filed in hardcopy with the Office of the Secretary in accordance with Rules 151 and 152 of the Commission's Rules of Practice, which can be accessed at <http://www.sec.gov/about/rulesofpractice.shtml>. See 17 C.F.R. §§ 201.151, .152. The mailing address for filings is Office of the Secretary, U.S. Securities and Exchange Commission, 100 F Street N.E., Mail Stop 1090, Washington, D.C. 20549. Filings made with the Office of the Secretary must include an original and three copies. This Office will submit Lyndon's Omnibus Motion to the Office of the Secretary to be filed, however, any further papers submitted to this Office, but not to the Office of the Secretary, will be rejected.

SO ORDERED.

Cameron Elliot
Administrative Law Judge