

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 757 / March 8, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15127

In the Matter of	:	
	:	ORDER
J. KENNETH ALDERMAN, CPA,	:	
ET AL.	:	

The Securities and Exchange Commission (Commission) issued its Order Instituting Administrative and Cease-and-Desist Proceedings on December 10, 2012, pursuant to Sections 9(b) and 9(f) of the Investment Company Act of 1940. The hearing is scheduled to commence on April 2, 2013.

On March 7, 2013, this Office received Respondents J. Kenneth Alderman's (Alderman) and Allen B. Morgan's (Morgan) proposed hearing subpoenas directing Barbara S. Martin, Jennifer R. Gonzalez, Esq., Christopher May, John J. Feeney, Jr., and Anthony Breaks to appear for testimony in this matter. Today, the Division of Enforcement (Division) informed this Office and Respondents by email that it intends to object to the request for a subpoena directed to Barbara Martin. The Division proposed filing its motion by Tuesday, March 12, 2013. Counsel to Alderman and Morgan does not object to this proposal.

Rule 232(e) of the Commission's Rules of Practice provides that "any party" may move to quash or modify a subpoena within fifteen days after the date of service. 17 C.F.R. § 201.232(e)(1). The party requesting the subpoena then has five days to file an opposition. *Id.* In short, Rule 232(e) of the Commission's Rules of Practice sets forth a twenty-day long briefing schedule, which I find impractical given the impending hearing in this proceeding.

The Division's proposal is GRANTED and the following filing schedule is established:

- March 12, 2013: Motions to quash and/or to modify Respondents' proposed subpoenas pursuant to Rule 232(e) of the Commission's Rules of Practice are due; and
- March 15, 2013: Oppositions to motions to quash and/or modify are due.

No further briefing is specifically contemplated by Rule 232(e) of the Commission's Rules of Practice. 17 C.F.R. § 201.232(e)(1).

SO ORDERED.

Cameron Elliot
Administrative Law Judge