

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 742 / January 29, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15127

In the Matter of	:	
	:	ORDER ON SUBPOENA REQUESTS
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.

Today, this Office received three Requests of Independent Directors for Issuance of Subpoena (Subpoena Requests) from Respondents Jack R. Blair, Albert C. Johnson, James Stillman R. McFadden, W. Randall Pittman, Mary S. Stone, and Archie W. Willis III. These Subpoena Requests are directed to the Commission's Division of Investment Management, Norm Champ, Director; the Commission's Atlanta Regional Office, Rhea Kemble Dignam, Regional Director; and the Commission's Office of Compliance Inspections and Examinations, Carlo V. di Florio, Director. These Subpoena Requests are colorably objectionable.

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 within which to file an opposition. Id. No further briefing is specifically contemplated. Id. In short, Rule 232(e) sets forth a twenty-day long briefing schedule, which I find impractical for timely resolution of any issues. Accordingly, the following filing schedule is established:

February 5, 2013: Motions to quash and/or to modify Subpoena Requests pursuant to Rule 232(e) are due; and

February 11, 2013: Oppositions to motions to modify and/or quash, are due.

SO ORDERED.

Cameron Elliot
Administrative Law Judge