

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 1150/January 7, 2014

ADMINISTRATIVE PROCEEDING  
File No. 3-15522

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

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

This Office received an email from Troy Lyndon (Lyndon) on January 6, 2014, forwarding a January 3, 2014, email he sent to this Office, which was not received, requesting issuance of two subpoenas duces tecum, one to the Commission and one to the Financial Industry Regulatory Authority (FINRA). The email requesting the subpoenas argues that the Commission and FINRA's actions caused Left Behind Games, Inc.'s inability to make its Exchange Act filings, which is the gravamen of Lyndon's opposition in this proceeding. The emails both fail to copy the Division of Enforcement (Division) and, thus, the request fails to comply with Rule 232 of the Commission's Rules of Practice, which requires, *inter alia*, that subpoena requests be served on each party pursuant to Rule 150 of the Commission's Rules of Practice. 17 C.F.R. §§ 201.232, 150. The request is, thus, rejected based upon the failure to serve the Division.

Additionally, both the January 3, 2014, email and its January 6, 2014, retransmission constitute *ex parte* communications pursuant to 17 C.F.R. § 200.111, which prohibits *ex parte* communications that are relevant to the merits of a proceeding. Lyndon was warned at the November 5, 2013, prehearing conference about the need to copy the Division on communications, when I said "anything you send to me, whatever form, whether it's a motion or your opposition or an email . . . you definitely do need to copy opposing counsel. I really don't like getting informal emails." PreHr'g Tr. 28. I caution Lyndon not to make any further *ex parte* communications. Pursuant to 17 C.F.R. § 200.112, the emails will be transmitted to the Office of the Secretary for placement in the public record, and the Division will be forwarded a copy of the emails.

SO ORDERED.

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Cameron Elliot  
Administrative Law Judge