

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1152/January 8, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15526

In the Matter of

GEORGE B. FRANZ III and
RUBY CORPORATION

ORDER

The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings on September 26, 2013, and the hearing is scheduled to commence on February 24, 2014. Under consideration are George B. Franz III and Ruby Corporation's (Respondents) Request for a Settlement Conference, Motion for Summary Disposition, and various responsive pleadings.

The Request for a Settlement Conference will be denied. The Division of Enforcement indicated its disinclination to participate in a settlement conference, stating that it has already rejected Respondents' offer of settlement. See 17 C.F.R. § 201.240(c).

Respondents' Motion for Summary Disposition asserts numerous facts in twenty-eight pages of text and over five hundred pages of exhibits. It goes without saying that a motion for summary disposition cannot be granted unless "there is no genuine issue with regard to any material fact," pursuant to 17 C.F.R. § 201.250(b). Conceivably, there may be no issue with regard to some of the facts asserted in the Motion for Summary Disposition, such that some issues can be resolved prior to hearing. "The possibility that [this procedure] may simplify the proceeding should not be allowed to delay the planned start of the hearing, however." Rules of Practice, 60 Fed. Reg. 32738, 32767 (June 23, 1995). Accordingly, while the Motion for Summary Disposition cannot be granted, it could provide suggestions for stipulations as to some of the facts asserted.

IT IS SO ORDERED.

/S/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge