

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 812/ August 23, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15191

In the Matter of	:	EXTENSION OF TIME FOR
	:	SUMMARY DISPOSITION MOTION
BRIAN D. FOX	:	

On January 29, 2013, the Securities and Exchange Commission (Commission) issued an Order Instituting Public Administrative Proceedings and Imposing Temporary Suspension Pursuant to Rule 102(e)(3) of the Commission's Rules of Practice (OIP) in this proceeding. The OIP alleges that Brian D. Fox (Fox) had been: (1) permanently enjoined from future violations of Sections 10(b), 13(a), 13(b)(2)(A), 13(b)(2)(B), and 13(b)(5) of the Securities Exchange Act of 1934 (Exchange Act) and Exchange Act Rules 10b-5, 12b-20, 13a-1, 13a-13, 13b2-1, and 13b2-2; and (2) prohibited from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act or required to file reports pursuant to Section 15(d) of the Exchange Act in SEC v. Fox, No. 4:11-CV-0211-CVE-PJC (N.D. Okla. Nov. 2, 2012). OIP at 2. The Commission temporarily suspended Fox from appearing or practicing before the Commission. Id. at 2.

I held a prehearing conference on July 29, 2013. On August 8, 2013, I issued an Order requesting motions for summary disposition by August 22, 2013. Admin. Proc. Rulings Release No. 787. On August 21, 2013, Fox sent an e-mail to my Office requesting an extension until September 10, 2013, to file a motion for summary disposition, and stating that he was going to hire a lawyer. On August 22, 2013, the Division of Enforcement (Division) filed a motion stating it did not oppose a brief extension in the filing date and requesting a one-week extension. However, when I did not rule on August 22, the Division filed a Motion for Summary Disposition (Motion) on August 23, 2013.

There is no opposition to Fox's request, therefore, I GRANT him until September 10, 2013, to file a motion for summary disposition. Fox has eight days to reply to the Division's Motion. See 17 C.F.R. §§ 201.154(b), .160(a), (b).

Brenda P. Murray
Chief Administrative Law Judge