

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 677/June 27, 2011

ADMINISTRATIVE PROCEEDING
File No. 3-14081

In the Matter of :
: MOTION TO THE COMMISSION
JOHN P. FLANNERY, and : FOR EXTENSION
JAMES D. HOPKINS :
:

The Securities and Exchange Commission (Commission) issued an Order Instituting Administrative and Cease-and-Desist Proceedings against John P. Flannery and James D. Hopkins on September 30, 2010, pursuant to Section 8A of the Securities Act of 1933, Section 21C of the Securities Exchange Act of 1934, Section 203(f) of the Investment Advisers Act of 1940, and Section 9(b) of the Investment Company Act of 1940.

Rule 360(a)(3) of the Commission's Rules of Practice provides that the Chief Administrative Law Judge may submit to the Commission, at least thirty days in advance of the due date, a motion requesting an extension of the time period for filing an Initial Decision where she determines that it will not be possible to issue the Initial Decision in the time specified. In this situation, it is my best judgment that I cannot issue an Initial Decision by the August 1, 2011, due date.

The reasons for this request are a combination of the size of this particular record and the Office workload. This record consists of over 3,000 transcript pages reflecting eleven days of hearing, approximately 500 exhibits, and lengthy briefs. The last brief was due on May 4, 2011. In addition, the Office has been assigned a record number of proceedings and it has only two attorneys until August. Given these facts, it will not be possible for me to issue an Initial Decision in Flannery by August 1, 2011. Accordingly, I make this motion to extend the due date for ninety days, until October 31, 2011.

Brenda P. Murray
Chief Administrative Law Judge