

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 6584/May 23, 2019

ADMINISTRATIVE PROCEEDING
File No. 3-16795

In the Matter of

JOSEPH J. FOX

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ORDER

The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings (OIP), pursuant to Section 8A of the Securities Act of 1933 and Section 15(b) of the Securities Exchange Act of 1934 on September 8, 2015. The OIP embodied a partial settlement and ordered additional proceedings to determine what, if any, non-financial remedial sanctions pursuant to Section 15(b) of the Exchange Act are in the public interest. A March 14, 2019,¹ order set due dates for motion[s] for summary disposition, opposition[s], and repl[y/ies] of April 18, May 20 and May 31, 2019, respectively. *Joseph J. Fox*, Admin. Proc. Rulings Release No. 6496, 2019 SEC LEXIS 478, at *2 (A.L.J.). An April 15, 2019, order concerning Respondent's request for subpoenas noted that the Division of Enforcement stood ready to produce certain documents and ordered it to do so. *Joseph J. Fox*, Admin. Proc. Rulings Release No. 6541, 2019 SEC LEXIS 878, at *4-5 & n.1 (A.L.J.) (April 15 Order).

The Division filed a motion for summary disposition on April 18, 2019. On May 21, Respondent requested a two-week extension of time to file his opposition. He also advised that he had not received the documents described in the April 15 Order and requested that the Division be ordered to produce them. In response, on May 21, the Division stated that it does not oppose the requested extension; it also provided details of, and apologized for, an organizational foul-up and stated that the production of the documents had been made that day, May 21. In light of this, the request that the Division to be ordered to produce them is moot. Consistent with 17 C.F.R. § 201.161, Respondent's opposition will be due on June 3, 2019. The Division's reply will be due on June 14, 2019.

IT IS SO ORDERED.

/S/ Carol Fox Foelak

Carol Fox Foelak

Administrative Law Judge

¹ The multi-year history was caused by *Lucia v. SEC*, 138 S. Ct. 2044 (2018), and the Commission's lapse in appropriations between December 27, 2018 and January 28, 2019. See *Joseph J. Fox*, Securities Act Release No. 10328, 2017 SEC LEXIS 969 (Mar. 24, 2017), *vacated by Pending Admin. Proc.*, Securities Act Release No. 10536, 2018 SEC LEXIS 2058 (Aug. 22, 2018) (ordering a new hearing before a new administrative law judge); *Pending Admin. Proc.*, Admin. Proc. Rulings Release No. 5955, 2018 SEC LEXIS 2264, at *2-3 (C.A.L.J. Sept. 12, 2018) (reassigning the proceeding); *Pending Admin. Proc.*, Securities Act Release No. 10603, 2019 SEC LEXIS 37 (Jan. 30, 2019) (lifting the stay of pending proceedings following the restoration of appropriations).