

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 761 / March 22, 2013

ADMINISTRATIVE PROCEEDING  
File No. 3-15127

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In the Matter of :  
: ORDER ON SUBPOENA REQUESTS  
J. KENNETH ALDERMAN, CPA, :  
ET AL. :

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The Securities and Exchange Commission (Commission) issued its Order Instituting Administrative and Cease-and-Desist Proceedings on December 10, 2012, pursuant to Sections 9(b) and 9(f) of the Investment Company Act of 1940. The hearing is scheduled to commence on April 2, 2013.

Today, this Office received a Request for Issuance of Subpoenas from Respondents Jack R. Blair, Albert C. Johnson, James Stillman R. McFadden, W. Randall Pittman, Mary S. Stone, and Archie W. Willis III (collectively, Independent Directors) directing sixteen individuals, including six individuals who appear to be current or former Commission employees, to provide testimony at the hearing. Certain of these subpoena requests are colorably objectionable.

Rule 232(e) of the Commission's Rules of Practice provides that "any party" may move to quash or modify a subpoena within fifteen days after the date of service. 17 C.F.R. § 201.232(e)(1). The party requesting the subpoena then has five days within which to file an opposition. *Id.* No further briefing is specifically contemplated. *Id.* In short, Rule 232(e) sets forth a twenty-day-long briefing schedule, which I find impractical given that the hearing is scheduled to commence in eleven days. Accordingly, issues relating to the Independent Directors' subpoena requests, including any motion to quash, will be addressed orally at the telephonic prehearing conference on March 27, 2013, at 9:30 a.m. EDT.

SO ORDERED.

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Cameron Elliot  
Administrative Law Judge