

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 08-60315-CIV-ROSENBAUM

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

W. ANTHONY HUFF,
DANNY L. PIXLER,
ANTHONY R. RUSSO,
OTHA RAY MCCARTHA, and
CHARLES J. SPINELLI,

Defendants,

SHERI HUFF, ROXANN PIXLER,
MIDWEST MERGER MANAGEMENT, LLC, and
BRENTWOOD CAPITAL CORPORATION,

Relief Defendants.

ORDER

This matter is before the Court upon Defendant Anthony Huff's and Relief Defendant Sheri Huff's Motion for Order Enjoining Investigation and Quashing Administrative Subpoenas Issued by Plaintiff and for Other Equitable Relief [D.E. 173] (the "Huffs' Motion"), as well as on supporting and opposing filings. The Court has scheduled a telephonic hearing for this afternoon to address some questions that have arisen as a result of the Huffs' Reply [D.E. 182] and the SEC's Sur-reply [D.E. 184]. Consequently, at today's telephone conference, the SEC shall be prepared to answer the following two questions:

1. Is the SEC willing to stipulate that the arguments raised by the Huffs in their Motion for Order Enjoining Investigation and Quashing Administrative Subpoenas Issued by Plaintiff and for Other Equitable Relief [D.E. 173] filed in this case, provide “just cause” only for purposes of a possible criminal prosecution under Section 21(c) for failure by the Huffs to comply with the SEC subpoenas already served on the Huffs and their entities in the *Oxygen* Investigation, before an SEC enforcement action to enforce those subpoenas?

2. Is the SEC willing to stipulate that should the Huffs decline to respond to the SEC subpoenas already served on the Huffs and their entities in the *Oxygen* Investigation, prior to the SEC’s initiation of an enforcement action for those subpoenas, such conduct does not constitute “dilatory, obstructionist, or contumacious conduct” on the part of counsel for the Huffs, for the purposes of Rule 203.7(e) only?

DONE AND ORDERED in Chambers at Fort Lauderdale, Florida this 8th day of October, 2009.



ROBIN S. ROSENBAUM
UNITED STATES MAGISTRATE JUDGE

cc: All Counsel and Parties of Record