

NANCY J. GEGENHEIMER
 DUGAN BLISS
 U.S. SECURITIES AND EXCHANGE COMMISSION
 Denver Regional Office
 1801 California Street Suite 1500
 Denver, CO 80202
 (303) 844-1000
 E-mail: gegenheimern@sec.gov
 E-mail: blissd@sec.gov

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

R. BROOKE DUNN
 and NICHOLAS P. HOWEY,

Defendants.

Case No.
 2:09-cv-02213-JCM-VCF

**STIPULATED MOTION FOR EXTENSION OF TIME TO FILE
 FINAL SETTLEMENT PAPERS AND MOTION FOR OFFICER AND DIRECTOR BAR
 AND | ORDER
 (FIRST REQUEST)**

Pursuant to Fed. R. Civ. P. 6(b)(1) and Local Rules 6-1 and 26-2(e)(5), the parties respectfully request that the time within which Plaintiff Securities and Exchange Commission (the “SEC” or the “Commission”) must file final settlement papers and a motion for an officer and director bar against Defendant Dunn be extended from its present date of April 23, 2012 [Stipulation and Order Vacating Trial Date, Docket # 82], up to and including May 14, 2012. In support of this Motion, the parties state as follows:

1. At a mediation held March 5, 2012 before Magistrate Judge Ferenbach, the parties reached an agreement that counsel for Plaintiff would recommend a settlement agreement proposed by Defendants to Plaintiff's Commissioners.¹

2. Counsel for Plaintiff has attempted to seek approval of Defendants' proposed settlement as quickly as reasonably possible. As a result of these efforts, the Commission is now scheduled to review the recommended settlement agreement on May 10, 2012.

3. Given that the Commission will not be able to consider the proposed settlement by the deadlines previously set by the Court for April 23, 2012, an extension of those deadlines until May 14, 2012 is sought to provide sufficient time for the Commission to consider the proposed settlement and for counsel for Plaintiff to file the required documents subsequent to the Commission's determination. No previous extensions have been sought.

¹ By statute, the Commission (the five members appointed by Congress) retains the final authority to accept or reject terms of the settlement pursuant to Sections 4(a), 4A and 21(d)(1) of the Securities Exchange Act of 1934. The Commission has not delegated that authority to anyone on its staff. The Commission must approve settlement terms, typically during a scheduled Commission meeting, pursuant to written recommendation reviewed by various offices with the SEC.


Dated: April 17, 2012.

s/ Dugan Bliss
Nancy J. Gegenheimer
Dugan Bliss
Attorney for Plaintiff
Securities and Exchange Commission
1801 California Street, Suite 1500
Denver, Colorado 80202
Telephone: (303) 844-1000
Facsimile: (303) 844-1063

s/ Treazure R. Johnson
Venable LLP
575 7th Street, N.W.
Washington, D.C. 20004-1601
202.344.4418
trjohnson@venable.com
Attorney for Defendant Howey

s/ Randall J. Fons
Morrison & Foerster LLP
12531 High Bluff Drive
Suite 100
San Diego, CA 92130
858. 720. 5122
858.720.5125 fax
Attorney for Defendant Dunn

IT IS SO ORDERED:



United States District Judge

Dated: April 19, 2012