

No. 10-6276

IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

U.S. Commodity Futures Trading
Commission, et al.,
Plaintiffs-Appellees,

v.

Ken Lee,
Defendant-Appellant,

Sheila M. Lee,
Relief Defendant-Appellant,

Darren Lee,
Relief Defendant-Appellant,

David Lee,
Relief Defendant-Appellant,

and

Prestige Ventures Corp., a Panamanian
corporation, et al.,

Defendants.

Stephen J. Moriarty,

Receiver.

No. 10-6276

Second Motion for
Extension of Time to File
Appellees' Brief

Appellees Commodity Futures Trading Commission and Oklahoma
Department of Securities
Motion for Extension of Time

Appellees U.S. Commodity Futures Trading Commission (“CFTC”) and the

Oklahoma Department of Securities (“ODS”) hereby request a fourteen day extension to file Appellees’ brief in this appeal. Currently, Appellees’ brief is due on May 18, 2011. If the court grants Appellees’ request for a fourteen day extension to file, Appellees’ brief would be due on June 1, 2011. Appellant’s reply brief would then be due on June 15, 2011.

In support of their motion, Appellee CFTC states:

1. In order to complete Appellees’ brief, it is necessary for undersigned counsel to consult with, and to obtain approvals from various persons within the government.
2. The requested extension of time will permit the completion of these internal consultations and approvals.
3. Appellee CFTC is coordinating with Appellee ODS to file a single brief in this matter.
4. Appellants sought an extension of time to file their opening briefs without consulting with Appellees, which the Court granted on February 15, 2011. Appellees CFTC and ODS previously requested an extension of time to file their brief on April 8, 2011, to which Appellant Darren Lee did not consent.
5. Counsel for Appellee CFTC attempted to contact each Appellant via telephone at the numbers listed on their respective Motions for Leave to Proceed on Appeal Without Prepayment of Costs or Fees. Neither Appellees nor the

Receiver have any other contact information for Appellants.¹ Appellant Darren Lee consented to the request for the extension.

Respectfully submitted,

Dan M. Berkovitz
General Counsel

Gloria P. Clement
Acting Deputy General Counsel



Lynn A. Bulan
Counsel, CFTC
1155 21st Street, N.W.
Washington, D.C. 20581
Telephone: (202) 418-5143
E-mail: lbulan@cftc.gov
Attorneys for Appellee Commodity
Futures Trading Commission

Terra Shamas Bonnell
Patricia Labarthe
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, OK 73012
Email: tbonnell@securities.ok.gov
Telephone: (405) 280-7700
Facsimile: (405) 280-7742
Attorneys for Appellee Oklahoma
Department of Securities

Dated: May 10, 2011

¹ Relief Defendant/Appellant Darren Lee provided an address at which he would be able to receive mail in his Motion for Leave to Proceed on Appeal Without Prepayment of Costs or Fees, filed with this Court on March 4, 2011. Appellees will serve all the Lees by overnight mail at that address.

CERTIFICATE OF SERVICE

I hereby certify that an original and three copies of the foregoing Motion to Extension of Time was served by ECF and overnight express service on May 10, 2011 on the following:

Darren Lee
David Lee
Sheila Lee
2216 Kings Gate
Mt. Pleasant, SC 29466
Relief Defendants-Appellants

Kenneth Lee
c/o Darren Lee
2216 Kings Gate
Mt. Pleasant, SC 29466
Defendant-Appellant

Warren F. Bickford, IV, Esq.
Fellers Snider Blankenship
Bailey & Tippers – OKC
100 N. Broadway Ave.
Suite 1700
Oklahoma City, OK 73102-8820
*Attorney for Receiver Stephen J.
Moriarty, Esq.*



Lynn A. Bulan
Counsel
COMMODITY FUTURES TRADING
COMMISSION
Office of the General Counsel
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20581
Telephone: (202) 418-5143
Facsimile: (202) 418-5567