

No. 10-6287

IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

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

v.

Simon Yang, an individual, a/k/a
Xiao Yang, a/k/a Simon Chen,

Defendant-Appellant,

and

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

Defendants.

Stephen J. Moriarty,

Receiver.

No. 10-6287

Motion for Extension of
Time to File Appellees'
Brief

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

Appellees U.S. Commodity Futures Trading Commission ("CFTC")
and the Oklahoma Department of Securities ("ODS") hereby request a
two-week extension to file Appellees' brief in this appeal. Currently,

Appellees' brief is due on April 15, 2011. If the Court grants this motion, Appellees' brief would be due on April 29, 2011 and Appellant's Reply Brief would be due on May 13, 2011.

The Federal Government is presently operating under a continuing resolution that is set to expire on April 8, 2011. Should Congress fail to enact a federal budget for this fiscal year, or otherwise extend the continuing resolution presently in place, the government will shutdown, and all non-essential employees will be furloughed and prohibited by law from performing actions related to their employment. *See* 31 U.S.C. § 1341 ("Antideficiency Act"). For Appellee CFTC, this includes complying with the Court's April 15, 2011 deadline to file its brief.

Appellee is taking steps to prepare for a possible shutdown to ensure (a) that it complies with all of its obligations before this Court; and (b) that it does not violate the Antideficiency Act. Accordingly, Appellee requests that, in the event of a shutdown, the Court stay the April 15, 2011 deadline until April 29, 2011.

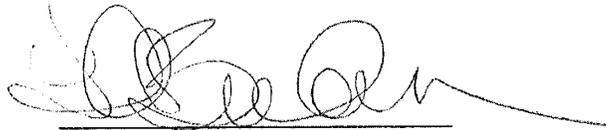
The requested extension should allow Appellee CFTC to fulfill all of its obligations without violating any federal laws should there be a shutdown in April. Appellees contacted Appellant Yang by email on

Monday, April 4, 2011 and, as of this filing, have not received a response from Appellant.

Respectfully submitted,

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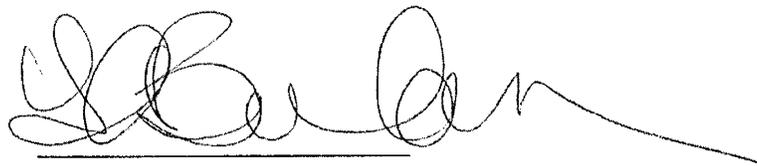
Dated: April 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that this Second Motion for Extension of Time was served by ECF and overnight express service on April 6, 2011 on the following:

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