## UNITED STATES OF AMERICA Before the SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934 Release No. 71515 / February 10, 2014

ADMINISTRATIVE PROCEEDING File No. 3-15635

In the Matter of

FIFTH THIRD BANCORP and DANIEL POSTON

**EXTENSION ORDER** 

Respondents.

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The Division of Enforcement ("Division") has requested an extension of time until August 10, 2014 to submit a Proposed Plan of Distribution under Rule 1101(a) of the Commission's Rules on Fair Fund and Disgorgement Plans, 17 CFR 201.1101(a).

On December 4, 2013, the Commission issued an Order Instituting Public

Administrative and Cease-and-Desist Proceedings Pursuant to Section 8A of the Securities

Act of 1933 and Section 4C and 21C of the Securities Exchange Act of 1934 and Rule 102(e)

of the Commission's Rules of Practice, Making Findings, and Imposing Remedial Sanctions
and Cease-and-Desist Orders and Penalties ("Order") against Fifth Third Bancorp and Daniel

Poston ("Respondents"). The Order required Respondents to pay a total of \$6.6 million in

civil money penalties to the United States Treasury and ordered that, pursuant to Section

308(a) of the Sarbanes-Oxley Act of 2002, as amended, the civil money penalties paid by

Respondents may be used to create a Fair Fund for the benefit of injured investors.

Respondent Fifth Third Bancorp's payment of \$6.5 million was received on December 9,

2013. Respondent Poston's payment was made on December 10, 2013. In its request for an

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<sup>&</sup>lt;sup>1</sup> Securities Act Rel. No. 9490 (Dec. 4, 2013).

extension of time, the Division states that it requires additional time because of the highly

complex nature of the case and the need to determine the feasibility of a distribution. If a

distribution is determined to be feasible, the Division needs time to obtain Commission

authorization to create a Fair Fund, appoint a fund administrator, retain a damages expert and

afford the expert time to develop a competent plan of allocation and time for the fund

administrator to submit a plan of distribution.

Accordingly, for good cause shown, IT IS HEREBY ORDERED that the Division's

request for an extension of time until August 10, 2014 to submit a Proposed Plan of

Distribution is granted.

For the Commission, by its Secretary, pursuant to delegated authority.

Elizabeth M. Murphy Secretary

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