

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
July 1, 2005

In the Matter of :
: ORDER
:
PHLO CORPORATION, :
JAMES B. HOVIS, and :
ANNE P. HOVIS :

The Division of Enforcement (Division) has filed a motion to permit the parties to take the videotaped deposition of Eric Swanson (Swanson), an employee of the Securities and Exchange Commission (Commission), on July 12, 2005. The Division proposes to introduce the transcript and video of the deposition in lieu of Swanson's live testimony at the hearing in this matter. Respondents agree to the relief sought in the motion.

The motion properly identifies the deponent, the scope of the testimony to be taken, the time and place of the deposition, the proposed deposition officer, and the manner of recording, preserving and filing the deposition. Those representations are incorporated by reference here. The Division's motion substantially complies with Rules 233 and 235 of the Commission's Rules of Practice.

Pursuant to Rules 233 and 235 of the Commission's Rules of Practice, I find that the prospective witness will likely give testimony material to the proceeding, that it is likely that the prospective witness will be unable to attend or testify at the hearing for valid reasons, and that taking the deposition will serve the interest of justice. I grant the Division's unopposed motion.

SO ORDERED.



James T. Kelly
Administrative Law Judge