

UNITED STATES OF AMERICA
Before The
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-19733

In the Matter of,

Nicholas J. Genovese

Respondent,


MOTION TO EXCLUDE EX PARTE COMMUNICATIONS

I Nicholas J. Genovese, Pro-Se am filing this Motion to Exclude Ex Parte Communications from consideration by the Commission.

On April 2, 2024 Alexander Mircea Vasilescu & The Division filed a Declaration that included "Ex Parte Communications" in violation of the Rules of Practice of the SEC. Vasilescu signed this Declaration under Oath.

SEC Rules of Practice prohibit the commission from considering Ex Parte Communications, Rule 120, 200.120 (Exhibit A)

Therefore I request that the Commission grant this Motion to exclude the Exparte Communications specifically the five emails attached to the April 2, 2024 Declaration listed as Exhibit 2 in accordance with the Rules of Practice cited above and attached.


Nicholas J. Genovese
May 6, 2024

filing is served by mail. But when the Rules of Practice or an order issued by the Commission specify a date certain for filing (*i.e.*, a fixed calendar date), filing and service must actually occur on or before that date. *See* Rule of Practice 160(b). Requests for extensions of time, postponements, or adjournments are generally governed by Rule of Practice 161. Filing a request for an extension does not, however, automatically toll or extend an existing deadline.

Non-compliant filings

All filings must comply with the requirements of Rule of Practice 152 governing the form and appearance of papers. They must reflect a page, electronically or otherwise, that measures 8½ by 11 inches when printed. Except for footnotes and quotations, the text must be double spaced. The first page of each filing must have the name of the Securities and Exchange Commission, the names of the parties, the file number assigned to the proceeding, and a title that identifies what the filing is about, such as “Answer to Order Instituting Proceedings,” “Motion for Extension of Time,” or “Response to Motion for Summary Disposition.” Filings must be dated and signed as provided in Rule of Practice 153.

The Commission may strike or reject, in whole or in part, any filing that fails to comply with any requirement of the Rules of Practice (including the filing and service requirements) or any order issued in the particular proceeding in which the filing was made. *See* Rules of Practice 152(f), 153(b)(2), 180(b). When this happens, the Commission will not consider the filing. The Commission may also direct a party to cure any deficiencies in a filing and resubmit it by a certain date. If a party fails to make a required filing or to cure a deficient filing on time, the Commission may enter a default, dismiss one or more claims, decide the particular claim or claims at issue against that party, or prohibit the introduction of evidence or exclude testimony concerning that claim. *See* Rule of Practice 180(c).

Ex parte communications

~~The Rules of Practice do not allow parties to communicate with the Commission~~
See Rule of Practice 120. An *ex parte* communication is a communication from one side only, without the presence or knowledge of the other parties. *Ex parte* communications will not be considered by the Commission. That is why all filings must be accompanied by a certificate of service showing that every other party in the proceeding was served with a copy. *See* Rule of Practice 151(d).

CERTIFICATE OF SERVICE

TO

SECURITIES & EXCHANGE COMMISSION

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Pursuant to S.E.C. Rules of Practice Rule 150 17 C.F.R. 201.150 and Rule of Practice 151(d), 17 C.F.R. 201.151(d) I have mailed the attached documents _____

Motion to Exclude Ex Parte Communications

Via First Class U.S. Mail Postage Paid from a Federal Prison Camp in Terre Haute, Indiana.

I placed said documents in the mail box on the premises of the Federal Prison Camp on May 6 2024, to the below;

Alexander Mircea Vasilescu
New York Regional Office
SEC
100 Pearl Street, Suite 20-100
New York, NY 10004-2616

Vanessa A. Countryman/Secretary
SEC
100 F Street, NE
Washington D.C. 20549


Nicholas J. Genovese


May 6, 2024
Date