

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-19733

In the Matter of

NICHOLAS J. GENOVESE

**DIVISION OF ENFORCEMENT'S MEMORANDUM ADDRESSING
RESPONDENT'S MOTION TO EXCLUDE EX PARTE COMMUNICATIONS**

On May 23, 2024, Respondent Genovese's Motion to Exclude Ex Parte Communications, dated May 6, 2024, was docketed on the SEC's AP website docket. Division of Enforcement attorneys first saw Respondent's motion on June 2, 2024. At issue are various exhibits attached as Exhibit 2 to the Division of Enforcement's declaration, docketed dated April 2, 2024, that contain various email communications with Commissioners' counsel. The Division does not oppose Respondent's motion to exclude the ex parte communications from consideration.

June 5, 2024

Respectfully submitted,

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