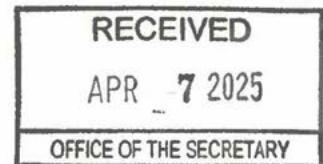


Nicholas Genovese

[REDACTED]

[REDACTED]



3/25/2025

VIA USPS Certified mail

Tracking Number: [REDACTED]

To: Office of the Secretary
Securities and Exchange Commission
100 F Street NE
Washington, DC 20549

Re: *Urgent Service of Pleadings – Admin Proc. 3-19733*

Pursuant to 17 C.F.R. § 201.150, enclosed please find:

1. **Respondent's Opposition to Motion for Summary Disposition**
2. **Emergency Request for Stay of Proceedings**
3. **Exhibits A-D** (Including proof of failed electronic service attempts)

Service Background:

- All SEC email addresses (including secretary@sec.gov, enforcement@sec.gov) rejected filings (Exhibit D).
- The SEC's online complaint portal is inappropriate for pleadings.
- This mailing constitutes valid alternative service under federal regulations.

Demand: Acknowledge receipt by email to [Your Email] by [Date 3 days from now]. Failure to respond will be construed as admission of service.

[REDACTED]

Respectfully submitted, /s/ [REDACTED]

Nicholas J. Genovese, *pro se*

UNITED STATES OF AMERICA
BEFORE THE SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING

File No. 3-19733

In the Matter of

NICHOLAS J. GENOVESE,

Respondent.

RESPONDENT'S:

1. **MOTION FOR LEAVE TO FILE OPPOSITION TO SUMMARY DISPOSITION OUT OF TIME**
2. **OPPOSITION TO DIVISION'S MOTION FOR SUMMARY DISPOSITION**
3. **EMERGENCY REQUEST FOR STAY PENDING JUDICIAL REVIEW**

I. MOTION FOR LEAVE TO FILE OUT OF TIME

Pursuant to 17 C.F.R. § 201.154, Respondent Nicholas J. Genovese requests leave to file this opposition late due to:

1. **Medical Emergency:**

- [REDACTED] Exhibit 1)
- [REDACTED] from Feb 20, 2025 thru March 20, 2025 (Exhibit 1)

2. **Good Cause:**

- The SEC will suffer no prejudice from this brief delay
- The public interest favors resolution on the merits
-

II. OPPOSITION TO SUMMARY DISPOSITION

A. Material Facts Are in Dispute

1. The SEC's reliance on Respondent's criminal plea is improper under *SEC v. Siebel*, 2005 WL 2400332 (S.D.N.Y.).

B. Constitutional Violations

1. The ALJ system violates Article II per *Jarkesy v. SEC*, 34 F.4th 446 (5th Cir. 2022).

C. Excessive Penalties

1. \$13M+ in prior sanctions makes further penalties unconstitutional under *Kokesh v. SEC*, 137 S. Ct. 1635 (2017).

III. EMERGENCY REQUEST FOR STAY

1. The U.S. District Court for the Southern District of New York is currently reviewing the constitutionality of the SEC's ALJ system in *Genovese v. SEC*, including:
 - o Motion for Preliminary Injunction (mailed 3/25/2025)
 - o Emergency Motion to Stay (filed 3/28/2025)
2. Irreparable harm will occur if the ALJ rules first, including:
 - o Unrecoverable financial penalties
 - o Permanent reputational damage
 - o Violation of due process rights

EXHIBITS

Exhibit 1: [REDACTED]

Exhibit 3A: [REDACTED] g (3/25/25)

Exhibit 3B: SEC's Motion for Summary Disposition (3/14/25)

CERTIFICATE OF SERVICE

I certify that on March 25, 2025, I served this filing via email and certified mail to:

- SEC Office of the Secretary (secretary@sec.gov)
- SEC New York Regional Office (vasilescua@sec.gov)

Dated: March 25, 2025

/s/

NICHOLAS J. GENOVESE, pro se

**UNITED STATES OF AMERICA
BEFORE THE SECURITIES AND EXCHANGE COMMISSION**

ADMINISTRATIVE PROCEEDING
File No. 3-19733

In the Matter of
NICHOLAS J. GENOVESE,
Respondent.

CERTIFICATE OF SERVICE

I, Nicholas J. Genovese, certify that on **3/25/2025**, I served the following documents related to **SEC Admin. Proc. 3-19733**:

1. Respondent's Opposition to Motion for Summary Disposition
2. Request for Stay of Proceedings
3. Exhibits (A-C)

Service Methods:

1. ELECTRONIC SERVICE:

- Emailed to: secretary@sec.gov, enforcement@sec.gov, vasilescua@sec.gov
- Time sent: **6:15PM CST**
- Attachments: PDF files titled:
 - Genovese-Opposition-3-19733.pdf
 - Genovese-Exhibits-3-19733.pdf

2. CERTIFIED MAIL

- SEC Headquarters
100 F Street NE, Washington, DC 20549

- SEC New York Office
100 Pearl St, Suite 20-100, New York, NY 10004

Dated: March 25, 2025

/s/

NICHOLAS J. GENOVESE, *pro se*