

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 6366 / August 4, 2023

Admin. Proc. File No. 3-21098

In the Matter of
GREGORY M. GREENDA

ORDER SCHEDULING BRIEFS

On September 16, 2022, the Securities and Exchange Commission issued an order instituting administrative proceedings against Gregory M. Grenda pursuant to Section 203(f) of the Investment Advisers Act of 1940.¹ Grenda filed his answer on February 28, 2023.² The parties held a prehearing conference on April 13, 2023. On May 23, 2023, the parties filed a joint prehearing conference statement stating that the Division of Enforcement told Grenda that it intends to file a motion for summary disposition and that Grenda stated the intention to oppose the Division's motion and, should the motion be denied, to request an evidentiary hearing.³ The joint statement further stated that the parties reached no agreement about the briefing schedule for the Division's motion.

Given the parties' inability to agree on a proposed briefing schedule, we believe it is appropriate to set the following briefing schedule for the Division's motion for summary disposition. Accordingly, IT IS ORDERED that the Division's motion for summary disposition

¹ *Gregory M. Grenda*, Advisers Act Release No. 6131, 2022 WL 4288988 (Sept. 16, 2022).

² *See generally Gregory M. Grenda*, Exchange Act Release No. 97380, 2023 WL 3090023 (Apr. 25, 2023) (describing procedural history and ordering parties to file a statement regarding the prehearing conference).

³ *See* 17 C.F.R. § 201.250(b) (providing that summary disposition is appropriate if "there is no genuine issue with regard to any material fact and . . . the movant is entitled to summary disposition as a matter of law"). Motions for summary disposition may be made under Rule 250(b) after a respondent's answer has been filed and documents have been made available to the respondent for inspection and copying pursuant to Rule of Practice 230. *Id.*; 17 C.F.R. § 201.230. The parties' joint statement regarding their conference reflects that the Division has made documents available pursuant to Rule 230.

against Grenda shall be filed by September 6, 2023; Grenda's opposition is due by September 20, 2023; and the Division's reply is due by September 27, 2023.⁴

A brief in support of a motion for summary disposition should include references to relevant undisputed pleaded facts along with facts eligible to be officially noted pursuant to Rule of Practice 323,⁵ and should include, as attachments, relevant declarations, affidavits, and other supporting documentation. An opposition to a motion for summary disposition should precisely specify in the brief the basis for that opposition, identify with particularity the material factual issues in dispute, and address relevant Commission precedent.⁶ Pursuant to Rule of Practice 180(c), a party's failure to file a brief or comply with this order may result in the Commission's determination of the matter at issue against that party, entry of default, dismissal of the proceeding, or the prohibition of the introduction of evidence or the exclusion of testimony regarding the matter at issue.⁷

⁴ Attention is called to Rules of Practice 150-153, 17 C.F.R. §§ 201.150-153, with respect to form and service, and Rule of Practice 250(e) and (f), 17 C.F.R. § 250(e) and (f), with respect to length limitations.

⁵ 17 C.F.R. § 201.323.

⁶ See, e.g., *Peter Siris*, Exchange Act Release No. 71068, 2013 WL 6528874, at *11 & n.68 (Dec. 12, 2013) (discussing appropriateness of summary disposition in follow-on proceedings and providing citations), *petition denied*, 773 F.3d 89 (D.C. Cir. 2014); *Conrad P. Seghers*, Investment Advisers Act Release No. 2656, 2007 WL 2790633, at *4-6 (Sept. 26, 2007) (discussing unsuccessful attempt to oppose summary disposition), *petition denied*, 548 F.3d 129 (D.C. Cir. 2008).

⁷ 17 C.F.R. § 201.180(c).

The parties' attention is directed to the e-filing requirements in the Rules of Practice.⁸

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

⁸ *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020), <https://www.sec.gov/rules/final/2020/34-90442a.pdf>; *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments impose other obligations such as a new redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465–81.