

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 97199 / March 24, 2023

Admin. Proc. File No. 3-21264

In the Matter of  
  
PETER JOSEPH POLINSKI TRUST

ORDER DIRECTING PREHEARING CONFERENCE REPORT AND DENYING MOTION  
FOR LEAVE TO MOVE FOR SUMMARY DISPOSITION

On December 27, 2022, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against the Peter Joseph Polinski Trust pursuant to Section 17A(c)(3) of the Securities Exchange Act of 1934.<sup>1</sup> Respondent filed an answer on February 21, 2023.

The OIP required the parties to conduct a prehearing conference pursuant to Commission Rule of Practice 221 within fourteen days of service of Respondent’s answer and, following the conference, to file a statement with the Office of the Secretary advising the Commission of any agreements reached.<sup>2</sup> To date, the parties have not filed a statement regarding a prehearing conference.

On March 20, 2023, the Division of Enforcement filed a motion for summary disposition against Respondent. This proceeding is one under the 120-day timeframe specified in Rule of Practice 360(a)(2)(i).<sup>3</sup> Accordingly, summary disposition is governed by Rule of Practice 250(c).<sup>4</sup> Motions for summary disposition may be made under Rule 250(c) with the leave of the hearing officer<sup>5</sup> and after a respondent’s answer has been filed and documents have been made

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<sup>1</sup> *Peter Joseph Polinski Tr.*, Exchange Act Release No. 96585, 2022 WL 17979680 (Dec. 27, 2022).

<sup>2</sup> *Id.* at \*3.

<sup>3</sup> *Id.* at \*4; 17 C.F.R. § 360(a)(2)(i).

<sup>4</sup> 17 C.F.R. § 201.250(c).

<sup>5</sup> *Id.*; 17 C.F.R. § 201.230. The OIP specifies that “[a]ll motions, objections, or applications will be decided by the Commission” and that, “notwithstanding any contrary

available to the respondent for inspection and copying pursuant to Rule of Practice 230.<sup>6</sup> We construe the Division's submission as seeking leave to move for summary disposition. However, we consider such a submission premature given the apparent failure to file a statement regarding the holding of a prehearing conference.

Accordingly, it is ORDERED that by April 7, 2023, the parties shall file a statement advising the Commissions of any agreements reached at the prehearing conference specified in the OIP, including as to any schedule for summary disposition briefing. If a prehearing conference was not held, both parties shall file by that date a statement, jointly or separately, advising the Commission of that fact and of the efforts made to meet and confer.

It is further ORDERED that the Division's motion for leave to file for summary disposition is DENIED and may be resubmitted after the parties file their statement regarding the prehearing conference.

Pursuant to Rule of Practice 180(c), a party's failure to 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

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reference in the Rules of Practice to filing with or disposition by a hearing officer," filings pursuant to Rule 250 shall be directed to the Commission. *Polinski*, 2022 WL 17979680, at \*4.

<sup>6</sup> The Division represents that it met its Rule 230 obligations by December 29, 2022. Respondent has answered and we assume that documents have been made available to it pursuant to Rule 230. If that is not the case, the parties should so notify the Commission. *See, e.g., Genoil, Inc.*, Exchange Act Release No. 92558, 2021 WL 3410771, at \*1 n.2 (Aug. 3, 2021).

testimony regarding the matter at issue.<sup>7</sup> The parties' attention is directed to the e-filing requirements in the Rules of Practice.<sup>8</sup>

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

Vanessa A. Countryman  
Secretary

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<sup>7</sup> 17 C.F.R. § 201.180(c).

<sup>8</sup> 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 redaction and omission of sensitive personal information requirement. Amendments to the Commission's Rules of Practice, 85 Fed. Reg. at 86,465–81.