

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 97380 / April 25, 2023

Admin. Proc. File No. 3-21098

In the Matter of

GREGORY M. GRENDA

ORDER REGARDING PREHEARING CONFERENCE

The Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) on September 16, 2022, pursuant to Section 203(f) of the Investment Advisers Act of 1940, against Gregory M. Grenda (“Respondent”).¹ On the same day that the OIP was issued, the Commission issued an OIP in a separate proceeding against Grenda Group, LLC, also pursuant to Exchange Act Section 15(b).²

On March 10, 2023, the Commission issued orders in both proceedings requesting briefs on the question of the appropriateness of consolidation of the proceedings.³ Commission Rule of Practice 201(a) provides that the Commission may consolidate for hearing “proceedings involving a common question of law or fact,” and that consolidation “shall not prejudice any rights under the[] Rules of Practice and shall not affect the right of any party to raise issues that could have been raised if consolidation had not occurred.”⁴ The Division of Enforcement responded that consolidation was appropriate because the two proceedings “arise from final judgments entered on the same day in the same underlying proceeding, following jury verdicts in the same trial, and both matters require a determination of whether relief is in the public interest based on the same underlying conduct.” Respondent opposed consolidation, arguing that “common questions of law or fact do not exist with respect to the conduct of Grenda Group,

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

² *Grenda Group, LLC*, Advisers Act Release No. 6130, 2022 WL 4288986 (Sept. 16, 2022).

³ *Gregory M. Grenda*, Advisers Act Release No. 6257, 2023 WL 2455438 (Mar. 10, 2023); *Grenda Group, LLC*, Advisers Act Release No. 6258, 2023 WL 2455439 (Mar. 10, 2023).

⁴ 17 C.F.R. § 201.201(a).

LLC, and Gregory M. Grenda” and that consolidation would be “unduly prejudicial to Gregory M. Grenda because the Commission must distinguish between and among the conduct of Walter M. Grenda, Grenda Group, LLC, and Gregory M. Grenda which gives rise to the present proceedings.” Under the circumstances, it is appropriate not to consolidate the proceedings, which the Commission instituted separately in the first instance.

The OIP directed the parties to conduct a prehearing conference within 14 days of service of Respondent’s answer to the OIP and, following the conference, to file a statement with the Office of the Secretary advising the Commission of any agreements reached at said conference.⁵ If a prehearing conference was not held, the parties were ordered to file a statement advising the Commission of that fact and of the efforts made to meet and confer.⁶ Respondent filed an answer with the Commission on February 28, 2023. The parties have not filed any statement regarding a prehearing conference.

Accordingly, IT IS ORDERED that by May 23, 2023, the parties shall file a statement with the Office of the Secretary advising the Commission of any agreements reached at the prehearing conference specified by the OIP. 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. 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

⁵ *Gregory M. Grenda*, 2022 WL 4288988, at *2.

⁶ *Id.*

issue against that party, entry of a default, dismissal of the proceeding, or the prohibition of the introduction of evidence or the exclusion of testimony regarding the matter at issue.⁷

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

⁷ 17 C.F.R. § 201.180(c).

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