

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 6347 / July 13, 2023

Admin. Proc. File No. 3-21400

In the Matter of

MICHAEL SZTROM and DAVID SZTROM

SCHEDULING ORDER

On May 2, 2023, the Securities and Exchange Commission issued an Order Instituting Administrative Proceedings (“OIP”) against Michael Sztrom and David Sztrom (collectively, “Respondents”) pursuant to Section 203(f) of the Investment Advisers Act of 1940.¹ Respondents filed an answer to the allegations contained in the OIP on May 25, 2023. The parties subsequently conducted a prehearing conference pursuant to Rule 221.² On July 7, 2023, the parties filed a joint prehearing conference statement with a proposed pre-hearing schedule.³

Accordingly, it is ORDERED, based on the parties’ representations, that the parties adhere to the following schedule:

July 31, 2023

Production of documents set forth in Rule 230

¹ *Michael Sztrom and David Sztrom*, Advisers Act Release No. 6296, 2023 WL 3243514 (May 2, 2023).

² *See* 17 C.F.R. § 201.221.

³ *See* Rule of Practice 221(e), 17 C.F.R. § 201.221(e) (providing for entry of order that “recites the agreements reached” at the prehearing conference).

September 7, 2023	Summary Disposition Motion ⁴
September 28, 2023	Opposition to Summary Disposition
October 12, 2023	Reply to Summary Disposition
November 24, 2023	Depositions to be completed ⁵
December 4, 2023	Exchange of Witness and Exhibit Lists
December 11, 2023	Objections to Exhibits
December 18, 2023	Prehearing briefs
January 3, 2024	Final prehearing telephonic conference
January 16, 2024	Hearing commences (Time and location TBD)

This order is without prejudice to further modification of the schedule by the Commission or by a hearing officer, whether upon request by a party or *sua sponte*, including, without limitation, changes necessary because of the pendency or disposition of any motions for summary disposition.

⁴ The Division proposes the schedule for summary disposition briefing set forth above and represents that it agreed to the parties' proposed prehearing schedule "in order to build in time for such a motion." Although Respondents state that they "expect to oppose the Division's motion" for summary disposition, they do not object to summary disposition briefing as such. Because the parties need not seek leave before filing a summary disposition motion in a proceeding (like this one) under the 75-day timeframe, *see Sztrom*, 2023 WL 3243514, at *3 ("This proceeding shall be deemed to be one under the 75-day timeframe...."), we adopt the Division's proposed schedule for summary disposition briefing.

⁵ Respondents have expressed the intention to request subpoenas to take five depositions, with the Division reserving objections until presented with specific proposed deponents. The parties are reminded that in a proceeding under the 75-day timeframe, depositions are permitted only when the conditions set forth in Rule of Practice 233(b) are satisfied. 17 C.F.R. § 201.233(b) (requiring, *inter alia*, showing that the witness is likely to be unavailable at the hearing). Furthermore, because this proceeding has been set for a hearing before the Commission, it is the Commission itself that must consider and act on any requests to issue a subpoena for a deposition. *Horter Inv. Mgmt.*, Advisers Act Release No. 5969, 2022 WL 504544, at *1 (Feb. 18, 2022). Accordingly, any such request must be made sufficiently in advance of the deadline to allow for its orderly disposition and for the deposition to be arranged should the Commission issue the requested subpoena. *See id.*

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

Vanessa A. Countryman
Secretary