

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 6465 / October 19, 2023

Admin. Proc. File No. 3-21098

In the Matter of
GREGORY M. GREENDA

ORDER GRANTING REQUEST FOR AN EXTENSION OF TIME

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 After the parties held a prehearing conference, the Commission issued an order setting a briefing schedule for the Division's proposed motion for summary disposition.³ On September 28, 2023, the Division filed a motion to "reset" the briefing schedule for its motion for summary disposition. We construe the Division's motion to reset the briefing schedule as a request for an extension of time.⁴ Grenda has not opposed the Division's motion.

Under the circumstances, it appears appropriate to grant the requested extension for good cause shown.⁵ Accordingly, it is ORDERED that the Division's request for an extension of time to file its opening brief until November 20, 2023, is granted. It is further ORDERED that Grenda's opposition brief is due by December 4, 2023, and the Division's reply is due by December 18, 2023.

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 *Gregory M. Grenda*, Advisers Act Release No. 6366, 2023 WL 4998161 (Aug. 4, 2023).

⁴ *See* Rule of Practice 161, 17 C.F.R. § 201.161 (providing for extensions of time).

⁵ *See* Rule of Practice 161, 17 C.F.R. § 201.161; *see also In re Pending Administrative Proceedings*, Exchange Act Release No. 88415, 2020 WL 1322001 (Mar. 18, 2020) (stating that "pending further order of the Commission, all reasonable requests for extensions of time will not be disfavored as stated in Rule 161" (citing 17 C.F.R. § 201.161(b)(1))).

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 323,⁶ 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.⁷ 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.⁸

⁶ 17 C.F.R. § 201.323.

⁷ 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).

⁸ 17 C.F.R. § 201.180(c).

The parties' attention is directed to the e-filing requirements in the Rules of Practice.⁹

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

Vanessa A. Countryman
Secretary

⁹ *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.