

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 6498 / December 7, 2023

Admin. Proc. File No. 3-21098

In the Matter of

GREGORY M. GREENDA

ORDER EXTENDING TIME FOR RESPONDENT TO FILE A BRIEF OPPOSING
SUMMARY DISPOSITION AND FOR THE DIVISION OF ENFORCEMENT TO FILE A
REPLY

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 was served with the OIP and filed an answer. The parties filed a joint prehearing conference statement on May 23, 2023, in which the Division of Enforcement stated that it expected to file a motion for summary disposition. On October 19, 2023, we issued a scheduling order directing the Division to file its motion for summary disposition by November 20, 2023, Grenda to file any opposition to the Division's motion by December 4, 2023, and directing the Division to file any reply by December 18, 2023.²

The Division filed its motion for summary disposition on November 20, 2023. On December 4, 2023, Grenda, through counsel, requested an extension of time, until December 18, 2023, to file his opposition to the Division's motion. Grenda states that he requires an additional two weeks to complete his opposition brief because his counsel has been in civil and criminal court trials for much of the time since the Division filed its motion and therefore "unable to work on the opposition papers." Grenda further states that he communicated his request to the Division, and that the Division does not oppose the request, on the condition that the Division's time for filing its reply brief be extended to January 8, 2024. It appears appropriate to grant Grenda's request for good cause shown.³

¹ *Gregory M. Grenda*, Advisers Act Release No. 6131, 2022 WL 4288988 (Sept. 16, 2022); *see* 15 U.S.C. § 80b-3(f).

² *Gregory M. Grenda*, Advisers Act Release No. 6465, 2023 WL 6926331 (Oct. 19, 2023).

³ *See In re Pending Administrative Proceedings*, Securities Act Release No. 90442, 2020 WL 1322001 (Mar. 18, 2020), <https://www.sec.gov/litigation/opinions/2020/33-1067.pdf>

Accordingly, it is ORDERED that Grenda's opposition is due by December 18, 2023, and the Division's reply is due by January 8, 2024. Grenda's opposition brief should precisely specify the basis for that opposition, identify with particularity the material factual issues in dispute, and address relevant Commission precedent.⁴ Pursuant to Rule of Practice 180(c), a party's failure to file a required 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.⁵

(providing that, pending further order of the Commission, reasonable requests for extensions of time will not be disfavored as stated in Commission Rule of Practice 161); Rule of Practice 161(a), 17 C.F.R. § 201.161(a) (requiring good cause showing for extensions).

⁴ 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), *pet. denied*, 773 F.3d 89 (D.C. Cir. 2014); *Conrad P. Seghers*, Advisers Act Release No. 2656, 2007 WL 2790633, at *4-6 (Sept. 26, 2007) (discussing unsuccessful attempt to oppose summary disposition), *pet. denied*, 548 F.3d 129 (D.C. Cir. 2008).

⁵ 17 C.F.R. § 201.180(c).

The parties' attention is directed to the e-filing requirements in the Rules of Practice.⁶ We also remind the parties that any document filed with the Commission must be served upon all participants in the proceeding and be accompanied by a certificate of service.⁷

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

Vanessa A. Countryman
Secretary

⁶ 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.

⁷ See Rule of Practice 150, 17 C.F.R. § 201.150 (generally requiring parties to serve each other with their filings); Rule of Practice 151(d), 17 C.F.R. § 201.151(d) ("Papers filed with the Commission ... shall be accompanied by a certificate stating the name of the person or persons served, the date of service, the method of service, and the mailing address or email address to which service was made, if not made in person.").