

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 96780 / January 31, 2023

Admin. Proc. File No. 3-21261

In the Matter of

ADAM MATTESSICH

ORDER REGARDING SERVICE AND DENYING MOTION FOR LEAVE TO FILE
SUMMARY DISPOSITION BRIEFING

The Securities and Exchange Commission (“Commission”) issued an order instituting administrative proceedings (“OIP”) on December 22, 2022, pursuant to Section 15(b) of the Securities Exchange Act of 1934, against Adam Mattessich.¹ On January 24, 2023, the parties filed a joint statement proposing a briefing schedule for the Division of Enforcement’s proposed motion for summary disposition pursuant to Commission Rule of Practice 250(c).²

Other than the parties’ joint statement and notices of appearance by counsel from the Division, there are no filings listed in the electronic docket in this proceeding since issuance of the OIP, including as to whether the OIP was served upon Mattessich. Additionally, motions for summary disposition may only be made under Rule 250(c) with the leave of the Commission, after the respondent’s answer has been filed and after the Division has satisfied the disclosure obligations of Rule 230.³

To assist the Office of the Secretary in maintaining a record of service that establishes that the OIP has been properly served,⁴ it is ORDERED that the Division of Enforcement file a

¹ *Adam Mattessich*, Exchange Act Release No. 96576, 2022 WL 17886457 (Dec. 22, 2022).

² 17 C.F.R. § 201.250(c). This proceeding is one under the 120-day timeframe specified in Rule of Practice 360(a)(2)(i). *Mattessich*, 2022 WL 17886457, at *3. Accordingly, summary disposition is governed by Rule of Practice 250(c), which requires a party to obtain the Commission’s leave before moving for summary disposition. 17 C.F.R. § 201.250(c). We construe the parties’ joint statement as the Division’s seeking such leave.

³ 17 C.F.R. §§ 201.230, 201.250(c); *Mattessich*, 2022 WL 17886457, at *3 (directing all Rule 250 filings to the Commission). The parties’ joint statement states that they agree that the Division has met its obligations pursuant to Rule 230.

⁴ See Rule of Practice 141(a)(3), 17 C.F.R. § 201.141(a)(3).

status report concerning service of the OIP by February 14, 2023, and every 28 days thereafter until service is accomplished.

It is further ORDERED that the Division's request for leave to file summary disposition briefing is DENIED without prejudice and may be resubmitted after the Division's filing of proof of service of the OIP and Mattessich's answer.

The parties' attention is directed to the e-filing requirements in the Rules of Practice.⁵

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

Vanessa A. Countryman
Secretary

⁵ *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.