

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 74176 / January 29, 2015

Admin. Proc. File No. 3-16184

In the Matter of

JORDAN PEIXOTO

ORDER DISMISSING PROCEEDING

On September 30, 2014, we issued an order instituting proceedings ("OIP") against Jordan Peixoto to determine whether he engaged in insider trading in violation of Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.¹ The proceedings are currently before an administrative law judge.

The Division of Enforcement now moves for dismissal of the proceedings because it asserts that two essential witnesses to its case are unavailable to testify at the hearing.² Those witnesses, Filip Szymik and Mariusz Adamski, were central participants in the events alleged in the OIP.

In particular, the OIP alleged that Peixoto traded securities based on material, non-public information that he learned from his friend, Szymik, who in turn learned the information from his friend and roommate, Adamski, in breach of Adamski's duty of confidence to his employer. Szymik and Adamski are both Polish citizens who had been living in New York City when we issued the OIP.

But the Division states that shortly after the proceedings commenced, it was informed by Szymik's counsel that Szymik had returned to Poland, had no immediate intention of returning to the United States, and would assert his Fifth Amendment privilege if compelled to testify. The Division states that it then learned from Adamski's counsel on December 8, 2014, that Adamski had also returned to Poland, had no immediate intention of returning to the United States, and would consider asserting his Fifth Amendment privilege if compelled to testify. The Division asserts that it is unable to compel Szymik or Adamski to testify at the hearing.

Given the circumstances, it is appropriate to grant the Division's motion.

¹ *Jordan Peixoto*, Exchange Act Release No. 73263, 2014 WL 4826820 (Sept. 30, 2014).

² The Division states that Peixoto concurs with its request.

Accordingly, IT IS ORDERED that this proceeding be dismissed.³

By the Commission.

Brent J. Fields
Secretary

³ The parties' pending stay requests to the Commission are rendered moot by this order and are therefore denied.