

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-21261

In the Matter of

ADAM MATTESSICH,

Respondent.

**CONSENT MOTION FOR LEAVE TO FILE
SUMMARY DISPOSITION BRIEFING**

The Division of Enforcement (the “Division”) respectfully submits this motion, with the consent of Respondent Adam Mattessich (“Respondent”), for leave to file summary disposition briefing and states as follows:

1. The order intituting these proceedings (“OIP”) was issued on December 22, 2022. Section IV of the OIP ordered that Respondent file an Answer to the allegations within 20 days and that the Division conduct a prehearing conference pursuant to Rule 221 of the Commission’s Rules of Practice within fourteen days of service of the Answer.
2. The Office of the Secretary served a copy of the OIP on both Respondent and his counsel by United States Post Service Certified Mail, which were delivered on December 27, 2022.
3. On January 12, 2023, Respondent’s counsel attempted to file a Notice of Appearance and Answer for Respondent, though these filings were rejected.
4. Division counsel and Respondent’s counsel conducted a prehearing conference on January 23, 2023, during which they agreed upon the following briefing schedule for the Division’s motion for summary disposition pursuant to Rule 250 of the Commission’s Rules of Practice: (a) the Division will file its Rule 250 motion on or before **March 3, 2023**; (b)

Respondent will file any opposition on or before **April 3, 2023**; and (c) the Division will file any reply papers on or before **April 18, 2023**.

5. The Division and Respondent also agreed that the Division has met its discovery obligations under Rule 230 of the Commission's Rules of Practice by virtue of the discovery responses and document productions made to Respondent during discovery in the civil injunctive action preceding these administrative proceedings, *Securities Exchange Commission v. Mattessich*, 18 Civ. 5884 (KPF) (S.D.N.Y.).

6. On January 24, 2023, the parties filed a joint statement setting forth these agreements.

7. On January 31, 2023, the Commission issued an Order regarding service and denying the Division's motion for leave to file summary disposition. In that Order, the Commission ordered the Division file a status report concerning service of the OIP by February 14, 2023, and stated that the Division could resubmit its request for leave to file summary disposition briefing after the Division filed proof of service of the OIP and Respondent's Answer.

8. On February 2, 2023, Respondent's counsel successfully filed a Notice of Appearance and Respondent's Answer.

9. Pursuant to the Commission's Order dated January 31, 2023, the Division filed a declaration regarding the service of the OIP and Respondent's Answer on February 7, 2023.

10. Accordingly, because the record of these proceedings now reflects that Respondent has been served with the OIP and has filed an Answer, the Division respectfully requests leave to file summary disposition briefing on the parties' previously agreed-upon schedule set forth above in Paragraph 4.

Dated: February 16, 2023

Respectfully submitted,

/s/ Jason Schall
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For the Division