

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 100996 / September 11, 2024

Admin. Proc. File No. 3-21261

In the Matter of  
ADAM MATTESSICH

ORDER REGARDING REDACTED FILINGS

On December 22, 2022, the Securities and Exchange Commission issued an order instituting administrative proceedings against Adam Mattessich (“Respondent”) pursuant to Section 15(b) of the Securities Exchange Act of 1934.<sup>1</sup> On March 3, 2023, the Division of Enforcement filed a motion for summary disposition in which it requested that the Commission impose securities industry and penny stock bars on Respondent with rights to reapply for admission after two years.

On April 3, 2023, Respondent filed a motion in partial opposition to the Division’s motion and an accompanying declaration. Respondent redacted portions of both documents. Based on the surrounding context of the documents, the redacted portions may contain sensitive personal information as defined in Commission Rule of Practice 151(e).<sup>2</sup>

Per Rule 151(e)(2), any party who believes that sensitive personal information contained in a filing is necessary to the proceeding, “shall file unredacted documents, along with a motion for a protective order with redacted documents, in accordance with [Rule 322] to limit disclosure of unredacted sensitive personal information.”<sup>3</sup> In turn, Rule 322 provides that “[d]ocuments and testimony introduced in a public hearing are presumed to be public” and that a “motion for a protective order shall be granted only upon a finding that the harm resulting from disclosure would outweigh the benefits of disclosure.”<sup>4</sup>

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

<sup>2</sup> 17 C.F.R. § 201.151(e).

<sup>3</sup> 17 C.F.R. § 201.151(e)(2); *see also* Rule of Practice 322, 17 C.F.R. § 201.322 (specifying content and method of filing motion for protective order and confidential materials).

<sup>4</sup> 17 C.F.R. § 201.322(c); *see also, e.g., Horter Inv. Mgmt, LLC*, Advisers Act Release No. 5890, 2021 WL 4847122, at \*1 (Oct. 18, 2021) (discussing protective orders).

Respondent subsequently provided unredacted copies of his brief and supporting affidavit to the Office of the Secretary, but he has not moved for a protective order under Rule 322. It is thus unclear whether Respondent wishes the Commission to consider the redacted information in resolving the Division's motion for summary disposition. Nor is it clear from the record whether, at any point, Respondent served unredacted copies of his filings on the Division.

Accordingly, IT IS ORDERED that, if Respondent wishes for the Commission to consider the information redacted from his April 3, 2023 filings, he shall move for a protective order pursuant to Rule of Practice 322 by September 25, 2024. Such motion shall be accompanied by sealed, unredacted versions of the documents marked as filed "Under Seal" and should explain why the harm resulting from disclosure would outweigh the benefits of disclosure. In doing so, Respondent should address the degree to which any portion of the redacted information is already in the public record in connection with the district court case underlying this proceeding.<sup>5</sup> If Respondent does not wish the Commission to consider the redacted portions of his filings, then he shall file a statement to that effect. If Respondent does not timely file a response to this order, we will assume Respondent does not wish the Commission to consider the redacted information. It is further ORDERED that the Division may file a response by October 9, 2024. If the Division files a response, Respondent may file a reply by October 16, 2024.

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<sup>5</sup> See, e.g., *SEC v. Mattessich*, No. 18-cv-5884, 2022 WL 16948236, at \*12 (S.D.N.Y. Nov. 15, 2022).

The parties' attention is directed to the e-filing requirements in the Rules of Practice.<sup>6</sup> 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.<sup>7</sup>

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

Vanessa A. Countryman  
Secretary

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<sup>6</sup> See Rules of Practice 151, 152(a), 17 C.F.R. §§ 201.151, .152(a) (providing procedure for filing papers with the Commission and mandating electronic filing in the form and manner posted on the Commission's website); *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. Parties generally also must certify that they have redacted or omitted sensitive personal information from any filing. Rule of Practice 151(e), 17 C.F.R. § 201.151(e).

<sup>7</sup> 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.").