

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

Administrative Proceedings Rulings
Release No. 6929 / March 18, 2025

Administrative Proceeding
File No. 3-20828

In the Matter of
Gregory Lemelson¹

Order Denying Stay Request

Respondent filed a motion on February 28, 2025, requesting a stay of discovery pending a decision by the Commission on his petition for interlocutory review. The Commission has “a policy of strongly disfavoring” requests for postponements. 17 C.F.R. § 201.161(b)(1). In addition, petitions for interlocutory review are “disfavored” and granted only in “extraordinary circumstances.” 17 C.F.R. § 201.400(a). As I explained in my order declining to certify the subpoena order for interlocutory review, the decision to issue the subpoena does not involve a controlling question of law and interlocutory review would not materially advance the completion of the proceeding. *Gary L. McDuff*, Exchange Act Release No. 78066, 2016 WL 3254513, at *5 (June 14, 2016) (“The Commission will ... not grant petitions for interlocutory review of ‘pre-trial discovery orders,’ and ‘complaints about production of documents’ will not ordinarily ‘warrant ... interference with the orderly hearing process.’” (quoting *John Thomas Capital*, Exchange Act Release No. 71021, 2013 WL

¹ Respondent goes by his ecclesiastical name, Father Emmanuel Lemelson.

6384275, at *3 (Dec. 6, 2013))).² Under these circumstances, a stay while the Commission considers the petition for interlocutory review is unwarranted.³

The subpoena compliance deadline was taken off the calendar. I reset that deadline to March 31, 2025.

/s/ Jason S. Patil
Administrative Law Judge

² Respondent avers that producing documents would be an undue burden, but he did not show undue burden in response to the subpoena request and his contention in his current reply brief is unsupported. Moreover, as of December 2023, Respondent certified that the “books and records related to private funds managed by [the] registrant” were maintained by “a third-party unaffiliated recordkeeper.” Lemelson Capital Mgmt., LLC, Final Report by Exempt Reporting Adviser (Form ADV) (Dec. 7, 2023). Lemelson certified that “the adviser’s books and records will be preserved” and further “authorize[d] any person having custody or possession of these books and records to make them available to federal and state regulatory representatives.” *Id.*

³ The Commission may stay the proceeding while it considers the petition for interlocutory review, 17 C.F.R. § 201.400(d), or grant or deny the petition, 17 C.F.R. § 201.400(a). *See Jean-Paul Bolduc*, Exchange Act Release No. 41812, 1999 WL 740399 (Aug. 31, 1999) (granting a partial stay while considering a petition for interlocutory review).