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

Administrative Proceedings Rulings
Release No. 6862 / August 4, 2022

Administrative Proceeding
File No. 3-20898

In the Matter of

Petroteq Energy, Inc., and
Aleksandr Blyumkin

Scheduling Order and Proceeding Guidelines

The parties submitted a joint scheduling proposal. I adopt the parties' joint proposals, resolve the disputed issue, and order the following schedule:

November 18, 2022:	Expert witness disclosures and reports, if any, are due.
December 16, 2022:	Close of fact and expert discovery.
January 13, 2023:	Motions for summary disposition are due.
February 3, 2023:	Opposition briefs are due.
February 10, 2023:	Reply briefs are due.
March 7, 2023:	Parties to exchange pre-marked exhibits and file witness lists and exhibit lists.
March 21, 2023:	Prehearing briefs, motions in limine, evidentiary stipulations, and requests for official notice are due.
March 28, 2023:	Telephonic prehearing conference. I direct the Division of Enforcement to circulate the dial-in number to all parties and to my office (alj@sec.gov) at

least one week before the conference and to arrange for a court reporter.

April 4, 2023: Hearing commences by remote means or in a location to be determined.

Proceeding Guidelines

I will follow the general guidelines described below during these proceedings. The parties should review what follows *and promptly raise any objections they may have to these guidelines*.

1. **Subpoenas.** A party's motion to quash a subpoena will be due within five business days of the submission of the subpoena for signing. Any opposition to the motion to quash will be due within five business days thereafter. A party moving to quash a subpoena duces tecum based on a claim of privilege must support its motion with a declaration and privilege log.[1]

2. **Discovery Disputes.**

   a. Before asking me to resolve a dispute, the parties should try in good faith to resolve it through a phone, video, or in-person discussion. The exchange of emails does not constitute a *good faith* effort to resolve a discovery dispute.

   b. If the parties cannot resolve the dispute, they should email my office at alj@sec.gov. The email should attach a one-page document explaining the dispute. The document should not include argument or precedent. In the email, the parties must certify that they have tried in good faith to resolve the dispute. The email should confirm when both parties' counsel are available over the next 3 business days; my office will try to set up a video or phone conference to attempt to resolve the dispute.

   c. If the conference doesn't resolve the issue, written motions will follow.

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[1] *See Dorf & Stanton Commc'ns, Inc. v. Molson Breweries*, 100 F.3d 919, 923 (Fed. Cir. 1996); *Caudle v. District of Columbia*, 263 F.R.D. 29, 35 (D.D.C. 2009).

d. If the dispute is about a deposition, email my office and if I am available, we will promptly try to resolve the matter on the phone.

3. **Motions for summary disposition.** A motion for summary disposition must include legal analysis and evidentiary support for the allegations and requested relief in accordance with *Rapoport v. SEC*[2] and *Ross Mandell*.[3]

a. A motion for summary disposition must be accompanied by a statement of material facts as to which the moving party contends there is no genuine issue. The statement should consist of short numbered paragraphs, each of which must include citations to supporting evidence. I may disregard a factual assertion that fails to cite supporting evidence, even if the opposing party fails to controvert it.

b. An opposition to such a motion must be accompanied by a separate responsive statement of material facts. The responsive statement should address each numbered paragraph in the moving party's statement, by including citations to evidence establishing the existence of a genuine issue necessary to be litigated or agreeing that the asserted fact is undisputed. The responsive statement may contain, in addition, short numbered paragraphs as to which the opposing party contends there is no genuine issue. These additional paragraphs must also be supported by citations to evidence and should continue the numbered list started by the moving party.

c. The moving party may file a reply statement that addresses the opposing party's statement, with citations to evidence as appropriate. Each point in the reply statement should include the text of the numbered paragraph from the filing to which it responds.

d. Each such motion, opposition, and reply should cite to the appropriate paragraphs of a statement of material facts rather than to the record. The motion, opposition, and reply—not the respective statements of material facts—are where parties should make their legal arguments and cite to applicable legal authority. The

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[2] 682 F.3d 98, 108 (D.C. Cir. 2012).

[3] Securities Exchange Act of 1934 Release No. 71668, 2014 WL 907416, at *2 (Mar. 7, 2014), *vacated in part on other grounds*, Exchange Act Release No. 77935, 2016 WL 3030883 (May 26, 2016).

memorandum of points and authorities required by Rule 154(a) need not be a separate document from the motion.

e. If the opposing party fails to controvert any fact asserted by the moving party in its statement of material facts (or the moving party fails to controvert any fact asserted by the opposing party in its responsive statement of additional material facts), I may deem such fact admitted in deciding the motion.

4. **Exhibits.** The parties should confer and attempt to stipulate to the admissibility of exhibits. To avoid duplication of exhibits, the parties should identify joint exhibits. Exhibits are not filed with the Office of the Secretary until the close of the hearing at my instruction.

5. **Exhibit lists.** A comprehensive exhibit list prevents a party opponent from being surprised in the middle of the hearing. Exhibit lists shall be exchanged among the parties and should include all documents that a party expects to use in the hearing for any purpose. This includes documents that are relevant only for impeachment purposes or which are presumptively inadmissible. Each party should serve its opponent with any amendments to its exhibit list. Because I rely on the parties' exhibit lists, the parties should provide me with a paper copy of their final exhibit lists at the beginning of the hearing. There is no need to submit exhibit lists to my office before the hearing. Following the hearing, I will issue a separate order directing the parties to file a list of all exhibits, admitted and offered but not admitted, together with citations to the record indicating when each exhibit was admitted.

6. **Hearing schedule.** The first day of the proceeding will begin at 9:30 a.m. Unless circumstances require a different schedule, we will begin each subsequent day at 9:00 a.m. Each day of the proceeding should last until at least 5:00 p.m. I generally take one break in the morning, lasting about fifteen minutes, and at least one break in the afternoon. I generally break for lunch between noon and 12:30 p.m., for about one hour.

7. **Hearing issues – Examination.**

a. In general, the Division of Enforcement presents its case first because it has the burden of proof. Respondent then presents its case. If necessary, the parties may agree to proceed in some other order and may take witnesses out of order.

b. If the Division calls a non-party witness that Respondent also wishes to call as a witness, Respondent should cross-examine the

witness as if it were calling the witness in its own case. This means that Respondent's cross-examination of the witness in this circumstance may exceed the scope of what was covered by the Division's direct examination of that same witness. This will avoid the need to recall a witness just so the witness can testify for Respondent's case.

c. In general, cross-examination may be conducted by leading questions, even as to Division witnesses that Respondent wishes to call in its own case. Except that if Respondent's officers are called as witnesses in the Division's case, Respondent's counsel may not ask leading questions on cross-examination. Similarly, if a Commission employee is called as a witness for Respondent, the Division may not ask leading questions on cross-examination.

d. Avoid leading questions on direct examination. Leading questions during direct examination of a non-hostile witness are objectionable. Repeatedly having to rephrase leading questions slows down the hearing.

8. **Filings.** Posthearing briefs are limited to 12,000 words.[4] Parties may seek leave to exceed this limit through a motion filed seven days before the relevant briefing deadline. To enhance the readability of pleadings, I urge counsel to limit the use of acronyms to those that are widely known.[5] For the same reason, I ask that counsel use the same font size in footnotes as that used in the body of a pleading.

/s/ James E. Grimes
Chief Administrative Law Judge

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[4] *Cf.* 17 C.F.R. § 201.450(c) (imposing a word-limit for briefs filed before the Commission).

[5] *See Del. Riverkeeper Network v. FERC*, 753 F.3d 1304, 1320–21 (D.C. Cir. 2014) (Silberman, J., concurring).