

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

Administrative Proceedings Rulings
Release No. 6946 / June 18, 2025

Administrative Proceeding
File No. 3-20828

In the Matter of
Gregory Lemelson¹

**Second Order Denying
Certification for Interlocutory
Review**

I granted non-party Clear Street’s motion for a protective order requiring confidential handling of materials it produces in response to a subpoena requested by the Division. Protective Order, Admin. Proc. Rulings Release No. 6940 (June 5, 2025), <https://www.sec.gov/files/alj/aljorders/2025/ap-6940.pdf>. The protective order was issued before Respondent responded to the motion. After the order was issued, Respondent filed a response objecting to the “premature granting” of the protective order and requesting that it “be vacated forthwith.” Resp. at 1-2 (June 10, 2025).

Respondent concurs with the premise of the protective order that the Clear Street materials should not be publicly disclosed. Respondent called the subpoenaed materials “private and confidential matters” subject to a “firewall of strict confidentiality” that should not be accessed by “curious, third-party busybodies.” Mot. to Quash at 3 (May 23, 2025). As the protective order furthers the very privacy interests highlighted by Respondent, it is precisely the type of ruling on a non-dispositive motion that need not await a response.² And, that conclusion is validated here, since Respondent’s opposition does not

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

² See, *Smith v. Fender*, No. 1:21-CV-934, 2022 WL 18672973, at *2 (N.D. Ohio Apr. 21, 2022) (“When a non-dispositive motion is filed and adequately advises the court on the issue, the court need not wait for a party’s response to that motion.”), *report and recommendation adopted*, 2023 WL 354826 (N.D. Ohio Jan. 23, 2023). Here, entering the protective order simply facilitated the production of information for both parties’ review.

specify any deficiency in the protective order itself; it merely asserts deficiencies concerning past rulings. Thus, I decline to vacate it.

Respondent instead seeks to relitigate the motion to quash and have the subpoena withdrawn, so his filing can be read as a request for reconsideration. I first approved a subpoena seeking the same information now sought from Clear Street on January 30, 2025, following Respondent’s motion to quash on January 17 and reply brief in support of that motion on January 27. Beginning February 5, Respondent unsuccessfully sought interlocutory review of the subpoena order, which the Commission denied. *Gregory Lemelson*, Investment Advisers Act of 1940 Release No. 6869, 2025 WL 987983 (Apr. 1, 2025). On May 16, I granted the Division’s subpoena request seeking nearly identical information from Clear Street to what I had approved under the earlier subpoena directed to Respondent. Respondent again moved to quash, which I denied. Order Denying Motion to Quash, Admin. Proc. Rulings Release No. 6939 (May 28, 2025), <https://www.sec.gov/files/alj/aljorders/2025/ap-6939.pdf>.

As a practical matter, repeated requests should be limited by the adage that, “where litigants have once battled for the court’s decision, they should neither be required, nor without good reason permitted, to battle for it again.” *Williams v. Savage*, 569 F. Supp. 2d 99, 110 (D.D.C. 2008) (quoting *Singh v. George Washington Univ.*, 383 F. Supp. 2d 99, 101 (D.D.C. 2005)); *see also Estate of Gaither ex rel. Gaither v. District of Columbia*, 771 F. Supp. 2d 5, 10 (D.D.C. 2011) (“[M]otions for reconsideration,’ whatever their procedural basis, cannot be used as ‘an opportunity to reargue facts and theories upon which a court has already ruled, nor as a vehicle for presenting theories or arguments that could have been advanced earlier.” (quoting *SEC v. Bilzerian*, 729 F. Supp. 2d 9, 14 (D.D.C. 2010))). I therefore deny Respondent’s requests for reconsideration of my orders granting the Clear Street subpoena and denying the motion to quash.

Respondent also seeks immediate certification of this matter for emergency interlocutory review by the Commission. As noted, Respondent previously sought the Commission’s interlocutory review of the order denying the motion to quash a subpoena directed to him that sought the same documents that the Division later sought from Clear Street. The Commission denied the petition for interlocutory review. *Lemelson*, Advisers Act Release No. 6869, 2025 WL 987983, at *2 (Apr. 1, 2025) (“[A] party’s complaints about production of documents will not ordinarily warrant interference with the orderly hearing process.”). As this is again “a dispute over the scope of discovery” involving a subpoena seeking substantially similar documents requested by the previous subpoena, *id.*, there is no reason to believe the Commission would treat this request for interlocutory review differently. The

certification request is therefore denied in accordance with 17 C.F.R. § 201.400(c).

/s/ Jason S. Patil
Administrative Law Judge