

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

IN THE MATTER OF)	
)	
FR. EMMANUEL LEMELSON)	ADMINISTRATIVE PROCEEDING
)	FILE NO. 3-20828
Respondent.)	
)	

NOTICE OF SUPPLEMENTAL AUTHORITY

Respondent Lemelson respectfully submits this notice to alert the administrative law judge to two relevant developments that occurred yesterday and came to our attention after we had already filed our reply brief in further support of certifying the Subpoena Order for interlocutory review.

First, in the federal court case in which Respondent Lemelson seeks to stop this administrative proceeding—in part on the ground that the administrative law judge is unconstitutionally shielded by multiple layers of protection from presidential removal in violation of Article II of Constitution—the U.S. Department of Justice (which is acting as legal counsel for the SEC) filed the attached Notice of Change in Position to advise the court that “the Acting Solicitor General has decided that the multiple layers of removal restrictions for administrative law judges in 5 U.S.C. § 7521 do not comport with the separation of powers and Article II of the United States Constitution and that the United States will no longer defend them in litigation.” *See* Exhibit A.

Second, yesterday President Trump issued the attached Executive Order entitled Ensuring Accountability for All Agencies. The purpose of the Executive Order is “to ensure Presidential supervision and control of the entire executive branch,” including the employees and staff of so-called independent agencies like the SEC. *See* Exhibit B. As the Executive Order explains, “[f]or the Federal Government to be truly accountable to the American people, officials who wield vast executive power must be supervised and controlled by the people’s elected President.” An accompanying Fact Sheet, under the sub-header “Reining in Independent Agencies,” specifically and prominently referenced the SEC as being covered by the Executive Order. *See* Exhibit C.

Respondent Lemelson respectfully submits that these two developments, both individually and in tandem, lend additional support to his view that the administrative law judge should allow the presidentially appointed SEC commissioners—the only SEC personnel directly accountable to the President—ample opportunity to consider on interlocutory review the wisdom of, need for, and constitutional legitimacy of the Subpoena Order and the continuation of this proceeding.

Respectfully submitted,

Fr. Emmanuel Lemelson

By his attorneys,

/s/ Douglas S. Brooks
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Dated: February 19, 2025

CERTIFICATE OF SERVICE

I, Douglas S. Brooks, do hereby certify that I served the foregoing document on counsel for the Commission, Marc Jones, Esq. and Alfred Day, Esq., by email on February 19, 2025.

/s/ Douglas S. Brooks
Douglas S. Brooks