

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-20828

In the Matter of

GREGORY LEMELSON,

Respondent.

**DIVISION OF ENFORCEMENT'S OPPOSITION TO RESPONDENT'S
EMERGENCY PETITION FOR INTERLOCUTORY REVIEW**

The Division opposes Respondent Gregory Lemelson's Emergency Petition for Interlocutory Review.

To begin with, there is nothing that gives this Motion emergency status, and Respondent gives no reason why the Petition has been labeled "emergency." Thus, there is no reason for the Commission to consider this Petition on an emergency basis.

"Petitions by parties for interlocutory review are disfavored, and the Commission ordinarily will grant a petition to review a hearing officer ruling prior to its consideration of an initial decision only in extraordinary circumstances." SEC Rule of Practice 400 [17 C.F.R. §201.400 ("Rule 400")]. Respondent's Petition merely incorporates by reference his arguments to the Administrative Law Judge for certification for interlocutory review. ALJ Patil rejected those arguments, ruling that the underlying issue (a ruling on a motion to quash a document subpoena) was not a controlling issue of law and that interlocutory review would not materially advance the completion of the proceeding, stating that "issues that do not satisfy Rule 400(c)

‘will almost never be appropriate for interlocutory consideration.’” (AP-6927, quoting *McDuff*, 2016 WL 3254513, at *5-6).

As grounds for the Division’s opposition, the Division incorporates its arguments in its Opposition to the Petition for Certification for Interlocutory Review, as well as the reasoning set forth in ALJ Patil’s Order denying certification. (AP-6927).

For these reasons, Respondent’s Petition should be denied.

Dated: March 5, 2025

Respectfully submitted,

/s/ Marc J. Jones
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CERTIFICATE OF SERVICE

I, Marc J. Jones, hereby certify that on March 5, 2025, the above was served via electronic mail pursuant to Rule 150(c) on the following counsel of record for Respondent:

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