

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

In the Matter of :
: Admin. Proc. File No. 3-20828
GREGORY LEMELSON :
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**RESPONDENT LEMELSON' REQUEST
FOR ISSUANCE OF DOCUMENT SUBPOENA
AND FOR POSTPONEMENT OF HEARING DATE**

Pursuant to SEC Rules of Practice 111 and 232, Respondent Rev. Fr. Emmanuel Lemelson¹ respectfully requests that the Administrative Law Judge issue the attached subpoena directed to the Commission's Division of Enforcement. Although the time set by the ALJ for issuance of discovery subpoenas in this proceeding has passed, Lemelson's limited and targeted request should be granted because the Division only recently informed Lemelson's counsel about the events that now necessitate the discovery sought by the subpoena, which are explained at length in Lemelson's contemporaneously filed Motion to Dismiss Proceeding Due to *Ultra Vires* Division Action and Other Irregularities (the "Motion to Dismiss"). In addition, Lemelson respectfully moves to postpone the hearing in this matter to allow sufficient time for compliance with the subpoena and for the Commission's deliberate consideration of the Motion to Dismiss, which raises serious issues about *ultra vires* Division action and another internal control failure affecting this proceeding.

¹ The case caption erroneously identifies Respondent by his birth name rather than his ecclesiastical name.

On April 30, 2025, the Division filed an *ultra vires* lawsuit in the United States District Court for the District of Massachusetts seeking to enforce the ALJ subpoena issued to Lemelson in January 2025, admittedly without first consulting with or seeking approval from either the ALJ or the SEC Commissioners. On May 15, 2025 (confirmed by letter on May 19), the Division advised Respondent’s counsel for the first time that the Division believed it had “delegated authority” to file the lawsuit without first consulting with and obtaining approval from the Commissioners, but that is plainly incorrect. As explained in Lemelson’s Motion to Dismiss, the delegation of authority relied on by the Division explicitly extends only to enforcement of *investigative* subpoenas issued pursuant to formal orders of investigation—not ALJ subpoenas issued in the course of contested administrative adjudicative proceedings. On May 22, 2025, counsel for Lemelson advised the Division and the federal judge overseeing the Massachusetts subpoena enforcement case that the case was filed *ultra vires*, and just eight days later the Division abruptly dismissed the federal subpoena enforcement case.

Lemelson is plainly entitled to discovery as to how this troubling breach of SEC rules and protocols occurred and who at the Commission was responsible for it.

In addition, on May 19, 2025, the Division alerted Lemelson’s counsel that due to “a technical issue with the email system,” an unspecified number of internal, nonpublic Division emails were sent to an unnamed former Division staff member for approximately a month after that former staff member had been transferred to the Office of the Chairman to serve as counsel to the Chairman in early April, *including emails concerning the ultra vires federal lawsuit recently filed against Lemelson*. This too was a grave internal control failure that taints this proceeding. Given this admitted control failure, Lemelson is plainly entitled to discovery of all nonpublic

communications between the Division and the Chairman's office since early April—especially any that reference Lemelson by name or otherwise.

Accordingly, Lemelson respectfully requests issuance of the attached subpoena, which seeks the following from the Division:

- (1) All nonpublic documents created or sent since January 31, 2025 that refer or relate to the process through which the “Application for Order to Show Cause and for Order to Comply With Administrative Subpoena,” filed on April 30, 2025 in the United States District Court for the District of Massachusetts (Case Number 25-mc-91207), was approved within the Commission and filed with the court;
- (2) All nonpublic documents created or sent since April 30, 2025 that refer or relate to the process through which the “Plaintiff’s Notice of Voluntary Dismissal” filed on May 30, 2025 in the United States District Court for the District of Massachusetts (Case Number 25-mc-91207), was approved within the Commission and filed with the court;
- (3) All nonpublic communications (including but not limited to emails) since April 1, 2025 between the Division of Enforcement or its personnel, on the one hand, and the Office of the SEC Chairman or its personnel, on the other, that refer or relate to Lemelson either explicitly or by implication.

Lemelson further requests that the current July 7 hearing be postponed to allow ample time for compliance with the subpoena and for the Commission to decide his Motion to Dismiss in an orderly and deliberate fashion. There is no plausible urgency to the current hearing date. The Commission commenced its enforcement interest in Lemelson more than a decade ago based on events that began and ended back in 2014, and even this follow-on proceeding has been pending now for more than three years. Moreover, Lemelson was enjoined by a federal court more than three years ago from violating certain provisions of the securities laws, and he has not been accused of violating that injunction since then. A postponement of the hearing for an additional 60 or 90

days should suffice to allow Lemelson to obtain his requested discovery and for the Commission to decide his Motion to Dismiss.

Dated: June 3, 2025

Respectfully submitted,

/s/ Russell G. Ryan

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Counsel for Respondent Lemelson

CERTIFICATE OF SERVICE

I, Russell G. Ryan, do hereby certify that I served the foregoing document on counsel for the Division, Marc Jones, Esq. and Alfred Day, Esq., by email on June 3, 2025.

s/ Russell G. Ryan

Counsel for Respondent Lemelson



SUBPOENA TO PRODUCE DOCUMENTS

Issued Pursuant to U.S. Securities and Exchange Commission Rules of Practice 111(b) and 232, 17 C.F.R. §§ 201.111(b), 201.232.

<p>1. TO</p> <p>Custodian of Records Division of Enforcement Securities and Exchange Commission 100 F Street, NE Washington, DC 20549</p>	<p>This subpoena requires you to produce documents or other tangible evidence described in Item 7, at the request of the Party described in Item 4, in the U.S. Securities and Exchange Commission Administrative Proceeding described in Item 6.</p>
<p>2. PLACE OF PRODUCTION Libby Hoops Brooks & Mulvey, P.C. c/o Douglas S. Brooks 260 Franklin Street Boston, MA 02110</p>	<p>3. DATE AND TIME PRODUCTION IS DUE</p> <p>June 17, 2025 at 10:00 a.m.</p>
<p>4. PARTY AND COUNSEL REQUESTING ISSUANCE OF SUBPOENA Respondent Rev. Fr. Emmanuel Lemelson (misnamed in case caption as "Gregory Lemelson") c/o Douglas S. Brooks Libby Hoops Brooks & Mulvey, P.C.</p>	<p>5. THE PRODUCTION OF DOCUMENTS OR OTHER TANGIBLE EVIDENCE IS ORDERED BY</p> <p>Jason S. Patel</p> <p>Administrative Law Judge U.S. Securities and Exchange Commission</p>

6. TITLE OF THE MATTER AND ADMINISTRATIVE PROCEEDING NUMBER

In the Matter of Gregory Lemelson (a/k/a Father Emmanuel Lemelson), No. 3-20828

7. DOCUMENTS OR OTHER TANGIBLE EVIDENCE TO BE PRODUCED (ATTACH PAGES AS REQUIRED)

All documents described in the Attachment hereto.

DATE SIGNED	SIGNATURE OF ADMINISTRATIVE LAW JUDGE
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GENERAL INSTRUCTIONS

MOTION TO QUASH

The U.S. Securities and Exchange Commission's Rules of Practice require that any application to quash or modify a subpoena comply with Commission Rule of Practice 232(e)(1). 17 C.F.R. § 201.232(e)(1).

ATTACHMENT TO SUBPOENA

Documents to be produced:

- (1) All nonpublic documents created or sent since January 31, 2025 that refer or relate to the process through which the “Application for Order to Show Cause and for Order to Comply With Administrative Subpoena,” filed on April 30, 2025 in the United States District Court for the District of Massachusetts (Case Number 25-mc-91207), was approved within the Commission and filed with the court;
- (2) All nonpublic documents created or sent since April 30, 2025 that refer or relate to the process through which the “Plaintiff’s Notice of Voluntary Dismissal” filed in the United States District Court for the District of Massachusetts (Case Number 25-mc-91207), was approved within the Commission and filed with the court;
- (3) All nonpublic communications (including but not limited to emails) since April 1, 2025 between the Division of Enforcement or its personnel, on the one hand, and the Office of the SEC Chairman or its personnel, on the other, that refer or relate to Lemelson either explicitly or by implication.