

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

In the Matter of

GREGORY LEMELSON

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Admin. Proc. File No. 3-20828

**RESPONDENT’S UNOPPOSED EMERGENCY MOTION TO COMMISSIONERS
FOR A STAY, POSTPONEMENT, OR ADJOURNMENT OF THE HEARING**

Pursuant to SEC Rules of Practice 161 and 401, Respondent Rev. Fr. Emmanuel Lemelson¹ respectfully requests that the Commissioners enter an emergency order staying, postponing, or adjourning the hearing on the merits in this proceeding, which is currently scheduled to begin on July 7, 2025, for 90 days (until October 6, 2025). The Division of Enforcement does not oppose the relief requested herein.

A postponement or adjournment of the hearing is appropriate for at least two independent reasons:

First, the Division and Respondent Lemelson have *jointly agreed* that postponement of the hearing for 90 days—until October 6, 2025—would serve the interests of justice because it would allow the Commissioners sufficient time to decide Lemelson’s pending, potentially dispositive

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

motion to dismiss, which he filed on June 3, 2025 and which is fully briefed for the Commission's consideration and decision.² Pursuant to the parties' agreement, the Division on June 25 filed a Joint Request Regarding Commission Review of Respondent's Motion to Dismiss, which noted the Division's consent to having Lemelson's motion to dismiss decided in the first instance by the Commissioners on an expedited basis and memorialized the parties' joint request to postpone commencement of the hearing until October 6 to allow the Commissioners adequate time to decide that motion. The ALJ denied the parties' joint request on July 26, noting among other things that:

[Lemelson's] motion to dismiss has been fully briefed and is pending with the Commission, which is best positioned to decide whether postponing the hearing is appropriate in light of that motion. It would be presumptuous of me to postpone the hearing for 90 days to facilitate the Commission's review of the motion to dismiss when the Commission itself could order such a postponement, if necessary. If the Commission orders such a postponement, the hearing and all deadlines will be immediately continued.³

Second, in most other litigation contexts, dispositive motions to dismiss are typically decided *before* the trial on the merits, in the interests of fairness and judicial economy. It generally makes little sense for the parties and the tribunal to invest the substantial time, resources, and effort to litigate a full trial on the merits, potentially followed by significant post-trial briefing and a written decision on the merits, and then likely additional briefing and decision-writing on appeal, when a threshold dispositive motion that is already pending and fully briefed before the appellate tribunal could render all of that litigation effort and expense for naught. It is also unfair to require third-party witnesses to travel and testify at a potentially unnecessary trial.

² Also on June 3, Lemelson filed a motion seeking, among other things, to postpone the hearing pending the Commissioners' consideration and decision of his motion to dismiss. The Division opposed that postponement and the ALJ denied it on June 11.

³ Lemelson further notes, in the interest of respect for the federal judiciary, his pending appeal before the United States Court of Appeals for the District of Columbia Circuit, in which he intends to argue several constitutional and other challenges to the legitimacy of this proceeding, which a district court recently dismissed. The Division has previously taken the position that the pendency of that federal court case should not affect the Commission's adjudication of this proceeding.

In light of the foregoing, the Commissioners should promptly stay, postpone, or adjourn the hearing for 90 days, until October 6, 2025, for good cause shown.

Dated: June 27, 2025

Respectfully submitted,

/s/ Russell G. Ryan

Russell G. Ryan
John J. Vecchione
Andreia Trifo
NEW CIVIL LIBERTIES ALLIANCE
4250 N. Fairfax Dr., Suite 300
Arlington, VA 22203
(202) 869-5210
russ.ryan@ncla.legal

Douglas S. Brooks
LIBBY HOOPES BROOKS & MULVEY, P.C.
260 Franklin Street
Boston, MA 02110
(617) 338-9300
dbrooks@lhbmlegal.com

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 27, 2025.

s/ Russell G. Ryan

Counsel for Respondent Lemelson