

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 91797 / May 7, 2021

Admin. Proc. File Nos. 3-20239, 3-20242

In the Matters of

JOCELYN MURPHY
and
MICHAEL SEAN MURPHY

ORDER CONSOLIDATING PROCEEDINGS AND ORDERING THE FILING OF A
PREHEARING CONFERENCE REPORT

On March 5, 2021, the Securities and Exchange Commission (“Commission”) issued an Order Instituting Proceedings (“OIP”) pursuant to Section 15(b) of the Securities Exchange Act of 1934 against Jocelyn Murphy.¹ On March 12, 2021, the Commission issued an OIP pursuant to Section 15(b) of the Exchange Act against Michael Sean Murphy.² The OIPs alleged that Jocelyn Murphy and Michael Sean Murphy (“Respondents”) had been enjoined from violating provisions of the Exchange Act by final judgments entered on the same day in a civil action in which they were named as defendants, and instituted proceedings before the Commission to determine whether the allegations of the OIPs were true and what, if any, remedial action is appropriate in the public interest against Respondents pursuant to Exchange Act Section 15(b).

¹ *Jocelyn Murphy*, Exchange Act Release No. 91270, 2021 WL 842614 (Mar. 5, 2021).

² *Michael Sean Murphy*, Exchange Act Release No. 91310, 2021 WL 950025 (Mar. 12, 2021).

On April 6, 2021, Respondents, represented by common counsel, filed answers to the OIPs.³ On April 30, 2021, Respondents moved to consolidate these proceedings pursuant to Commission Rule of Practice 201(a) based on the existence of common issues of law and fact. Respondents represent that the Division of Enforcement does not oppose their request.

It is appropriate to grant Respondents' motion for consolidation. Rule 201(a) provides that the Commission may consolidate for hearing "proceedings involving a common question of law or fact."⁴ The OIPs were instituted pursuant to the same provision of the Exchange Act, are predicated on final judgments containing common provisions entered on the same day in the same proceeding, and would, if appropriate, require determination of whether relief is in the public interest based on similar underlying misconduct. Respondents also share common counsel, and consolidation could promote efficiencies.

Accordingly, it is ORDERED that the proceedings against Respondents be consolidated. It is further ORDERED that the parties conduct a prehearing conference pursuant to Commission Rule of Practice 221 within 14 days of the date of this order and, following the conference, that they file a statement with the Office of the Secretary advising the Commission of any agreements reached.

The parties' attention is called to the Commission's March 18, 2020 order regarding the filing and service of papers, which provides that, pending further order of the Commission, parties to the extent possible shall submit all filings electronically at apfilings@sec.gov.⁵ Also,

³ The OIPs directed the parties to each proceeding to conduct a prehearing conference pursuant to Commission Rule of Practice 221 within 14 days of service of the answer and, following the conference, to file a statement with the Office of the Secretary advising the Commission of any agreements reached at said conference. *Jocelyn Murphy*, 2021 WL 842614, at *2; *Michael Sean Murphy*, 2021 WL 950025, at *2. If a prehearing conference was not held, the parties were ordered to file a statement advising the Commission of that fact and of the efforts made to meet and confer. *Jocelyn Murphy*, 2021 WL 842614, at *2; *Michael Sean Murphy*, 2021 WL 950025, at *2. To date, the parties have not filed such statements or prehearing conference reports.

⁴ 17 C.F.R. § 201.201(a).

⁵ See *Pending Administrative Proceedings*, Exchange Act Release No. 88415, 2020 WL 1322001 (Mar. 18, 2020), <https://www.sec.gov/litigation/opinions/2020/33-10767.pdf>.

the Commission's Rules of Practice were recently amended to include new e-filing requirements, which took effect on April 12, 2021.⁶

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

⁶ *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020), <https://www.govinfo.gov/content/pkg/FR-2020-12-30/pdf/2020-25747.pdf>; see also *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments also impose other obligations on parties to administrative proceedings such as a new redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465-81.