

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3371 / December 4, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-16937

In the Matter of

JAMES MICHAEL MURRAY

ORDER FOLLOWING PREHEARING
CONFERENCE

On November 2, 2015, the Securities and Exchange Commission issued an Order Instituting Administrative Proceedings (OIP) against Respondent pursuant to Section 203(f) of the Investment Advisers Act of 1940. I previously noted that Respondent's Answer to the OIP is due twenty days after service of the OIP on him. *James Michael Murray*, Admin. Proc. Rulings Release No. 3323, 2015 SEC LEXIS 4729 (Nov. 17, 2015).

Yesterday, I held a telephonic prehearing conference, attended by counsel for the Division of Enforcement and Respondent, who appeared *pro se*. Based on the Division's declaration of service, I determined that Respondent was personally served with the OIP on November 12, 2015. *See* 17 C.F.R. § 201.141(a)(2)(i). I denied Respondent's request for sixty days to file his Answer to the OIP, but granted him thirty days and set the following procedural schedule:

- January 4, 2016: Respondent's Answer to the OIP is due.
- January 22, 2016: The Division's motion for summary disposition is due.
- March 18, 2016: Respondent's opposition is due.
- March 28, 2016: The Division's reply, if any, is due.

A motion for summary disposition comes under Rule of Practice 250, 17 C.F.R. § 201.250.¹ Such motion should include: 1) a discussion of the relevant facts with citations to supporting evidence or documents; 2) a discussion of the relevant law addressing, among any other issues, whether the legal basis for this action is satisfied; 3) whether summary disposition is appropriate; and 4) whether sanctions are in the public interest. Supporting evidence must be sufficient for the required analysis. *See, e.g., Gary L. McDuff*, Exchange Act Release No. 74803,

¹ The Rules are online at <http://www.sec.gov/about/rulesofpractice.shtml>.

2015 SEC LEXIS 1657, at *11-14 (Apr. 23, 2015); *Ross Mandell*, Exchange Act Release No. 71668, 2014 SEC LEXIS 849, at *7-8 (Mar. 7, 2014). An opposition responds to a motion for summary disposition and may set forth its own alternative findings and conclusions.

The parties' submissions and any documents in support shall be filed in paper format with the Commission's Office of the Secretary, U.S. Securities and Exchange Commission, 100 F Street N.E., Mail Stop 1090, Washington, D.C. 20549. Each filing must include a signed original and three copies, and a certification that a copy was served on the other party by mail, personal service, or other appropriate means. These requirements are detailed under Rules of Practice 150 to 152. 17 C.F.R. §§ 201.150-.52.

In addition to the required filing with the Office of the Secretary, I would appreciate electronic courtesy copies of any filings emailed to alj@sec.gov in PDF text-searchable format. Exhibits should be sent as separate attachments, not a combined PDF. Respondent is not required to send electronic copies.

James E. Grimes
Administrative Law Judge