

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

RMR ASSET MANAGEMENT
COMPANY, et al.,

Defendants.

Case No. 3:18-cv-01895-AJB-LL

FINAL JUDGMENT AS TO
MICHAEL SEAN MURPHY

Consistent with the Court’s Order Granting Plaintiff Securities and Exchange’s Motion for Summary Judgment (Dkt. No. 137), finding that Defendant Michael Sean Murphy (“Defendant”) violated Section 15(a)(1) of the Securities and Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. § 78o(a)(1)] and the Court’s Order Granting in Part and Denying in Part the SEC’s Motion for Remedies (Dkt. No. 186):

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant

1 is permanently restrained and enjoined from violating, directly or indirectly,
2 Section 15(a)(1) of the Exchange Act [15 U.S.C. § 78o(a)(1)], by making use of
3 the mails or the means or instrumentalities of interstate commerce to effect
4 transactions in, or to induce or attempt to induce the purchase or sale of, a security
5 without being registered in accordance with Section 15(a)(1) of the Exchange Act
6 while engaged in the business of effecting transactions in securities for the account
7 of others.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
9 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
10 binds the following who receive actual notice of this Final Judgment by personal
11 service or otherwise: (a) Defendant's officers, agents, servants, employees, and
12 attorneys; and (b) other persons in active concert or participation with Defendant
13 or with anyone described in (a).

14 II.

15 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant
16 is enjoined for a period of five (5) years from the date of this Final Judgment from,
17 directly or indirectly, opening or maintaining any brokerage account(s) without
18 providing the relevant brokerage firm(s) a copy of the Complaint and a copy of this
19 Final Judgment.

20 III.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
22 Defendant shall pay civil penalties in the amount of \$419,040.40, pursuant to
23 Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u-1]. Defendant shall satisfy
24 this obligation by making this payment to the Securities and Exchange
25 Commission within 30 days after entry of this Judgment.

26 Defendant may transmit payment electronically to the Commission, which
27 will provide detailed ACH transfer/Fedwire instructions upon request. Payment
28

1 may also be made directly from a bank account via Pay.gov through the SEC
2 website at <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by
3 certified check, bank cashier's check, or United States postal money order payable
4 to the Securities and Exchange Commission, which shall be delivered or mailed to:

5 Enterprise Services Center
6 Accounts Receivable Branch
7 6500 South MacArthur Boulevard
8 Oklahoma City, OK 73169Enterprise Services Center

9 and shall be accompanied by a letter identifying the case title, civil action number,
10 and name of this Court; Michael Sean Murphy as a defendant; and specifying that
11 payment is made pursuant to this Final Judgment. Defendant shall simultaneously
12 transmit photocopies of evidence of payment and case identifying information to
13 the Commission's counsel in this action. By making this payment, Defendant
14 relinquishes all legal and equitable right, title, and interest in such funds.

15 The Commission shall hold the funds (collectively, the "Fund") and may
16 propose a plan to distribute the Fund subject to the Court's approval. The Court
17 shall retain jurisdiction over the administration of any distribution of the Fund.

18 The Commission may enforce the Court's judgment for civil penalties by
19 moving for civil contempt (and/or through other collection procedures authorized
20 by law) at any time after 30 days following entry of this Final Judgment.

21 Defendant shall pay post judgment interest on any delinquent amounts pursuant to
22 28 U.S.C. § 1961.

23 ///

24 ///

25 ///

26 ///

27 ///


28 ///

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that for no longer than one year following the date of entry of this Final Judgment, this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

IT IS SO ORDERED.

Dated: February 12, 2021


Hon. Anthony J. Battaglia
United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28