

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File Nos. 3-20239, 3-20242

In the Matter of

MICHAEL SEAN MURPHY and
JOCELYN MURPHY,

Respondents.

**DIVISION OF ENFORCEMENT'S NOTICE
OF NO SUPPLEMENTAL BRIEFING BY
RESPONDENTS IN RESPONSE TO THE
DIVISION'S MOTION FOR SUMMARY
DISPOSITION AND REQUEST FOR
RULING ON MOTION**

The Division of Enforcement ("Division") submits this notice of no supplemental filing by Respondents in response to the Division's Motion for Summary Disposition ("Motion") and respectfully requests the Commission rule on the Motion. In support of this request, the Division states as follows:

1. On July 16, 2021, the Division filed a Motion for Summary Disposition against both Respondents.
2. On October 27, 2021, Respondents filed their opposition asserting that Respondents had not received the Division's Rule 230 production of documents.
3. On or about November 3, 2021, Respondents sent two (2) hard drives to the Division to obtain the Rule 230 production.
4. On November 9, 2021, the Division filed its reply brief in support of its Motion for Summary Disposition.
5. On January 5, 2022, the Commission, concluding that the Division had made its Rule 230 production, ordered Respondents to submit any additional briefs of no more than 2,500 words by February 2, 2022. The Commission further ordered the Division to respond with a brief no more than 2,500 words by February 16, 2022.

6. While the Division received Respondents' hard drives, their size was insufficient to hold the Division's production. Moreover, due to the volume of the production, continued limited staffing and office access, and year-end timing, the Division was not able to make its Rule 230 production on four (4) hard drives until after January 12, 2022.

7. On January 19, 2022, due to the delay in the Division's Rule 230 production, the Commission granted a joint motion from the parties allowing Respondents until March 2, 2022 to file additional briefs in accordance with the Commission's January 5, 2022 Order, with the Division authorized to respond by March 16, 2022.

8. Respondents did not file any additional briefing on or before March 2, 2022, and have made no filing since that date.

Because Respondents did not file any supplemental briefing in support their response to the Division's Motion for Summary Disposition, as allowed for by the Commission, the Division respectfully requests the Commission grant summary disposition against Respondents for the reasons asserted in the Division's briefing on the Motion.

Dated: March 9, 2022

Respectfully submitted,

/s/ James E. Smith

James E. Smith

Christian D. H. Schultz

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CERTIFICATE OF SERVICE

I certify that on March 9, 2022, I served a true and correct copy of the foregoing document on Respondents by email to the following counsel of record for Respondents Michael Murphy and Jocelyn Murphy:

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