

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

Administrative Proceedings Rulings  
Release No. 5125 / October 2, 2017

Administrative Proceeding  
File No. 3-18014

In the Matter of

**Evolucia, Inc.,  
Legend International Holdings,  
Inc., and  
OSL Holdings, Inc.**

**Third Order Regarding Service  
on Legend International  
Holdings, Inc.**

The Division of Enforcement has submitted a second supplemental declaration regarding the status of service of the order instituting this proceeding (OIP) on Respondent Legend International Holdings, Inc. Division counsel reports that he has been in touch with the Victoria, Australia, court-appointed liquidator of Respondent, and that the liquidator “agreed to accept service of the [OIP] by email.” However, the Division does not indicate which provision of Rule of Practice 141 it believes this manner of service satisfies. This may qualify as waiver of service under 17 C.F.R. § 201.141(a)(4), but that provision requires a waiver to be “obtained from the party and placed in the record.” The more natural reading of the rule, bolstered by the adopting release, is that a written waiver be obtained from a respondent and that document filed with the Office of the Secretary. *See* Rules of Practice, 60 Fed. Reg. 32,738, 32,750 (June 23, 1995) (“Whatever method of service is used, Rule 141 requires a certificate of service establishing how notice was given, or a written waiver of service.”); *cf.* Fed. R. Civ. P. 4(d)(1), (2) (requiring the request for a waiver to “be in writing” and for the defendant “to sign and return” the document).

Accordingly, I ORDER the Division to provide further clarification or evidence regarding the status of service on Respondent Legend International Holdings.

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Cameron Elliot  
Administrative Law Judge