

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

Administrative Proceedings Rulings  
Release No. 6232 / October 22, 2018

Administrative Proceeding  
File No. 3-16965

In the Matter of

**African Copper Corp.,  
Genmed Holding Corp., and  
Yanglin Soybean, Inc.**

**Order Regarding Service  
on Yanglin Soybean, Inc.**

Service of the order instituting proceedings on the sole remaining Respondent, Yanglin Soybean, Inc., has been pending in China under the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters since November 2015. Delays in the service of documents in China are not atypical, but a three-year delay does appear to be abnormal. *Accord Replies of the People's Republic of China to the Questionnaire of November 2013 relating to the Hague Convention* 5, [https://assets.hcch.net/upload/wop/2014/2014sc\\_14cn.pdf](https://assets.hcch.net/upload/wop/2014/2014sc_14cn.pdf) (reporting that out of the 1,930 requests received in 2012, 40 took more than twelve months to execute and 606 were still pending when the November 2013 survey was completed); *id.* at 6 (recognizing that “some cases [are] still pending after 1 or 2 years, but this is not the general situation”).

I discussed the status of service with counsel for the Division of Enforcement at a telephonic prehearing conference on October 18, 2018; Yanglin Soybean did not appear. The Division previously stated its intention to move for a default judgment pursuant to Article 15 of the Hague Convention. For reasons I explained during the conference, such a motion is likely premature. *See* Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, art. 15(c), *done* Nov. 15, 1965, 20 U.S.T. 364, 658 U.N.T.S. 173; *compare Univ. Trading & Inv. Co. v. Kiritchenko*, No. 99-cv-3073, 2007 WL 660083, at \*4 (N.D. Cal. Feb. 28, 2007) (“Here . . . UTI submits evidence only that it made a single telephone call, and does not attest that any ‘follow-up inquiries’ were made.

Consequently, UTI has not submitted sufficient evidence to demonstrate that UTI expended ‘every reasonable effort’ to obtain the Certificates, and thus has not demonstrated that all the conditions of Article 15 have been satisfied.”), *and Brown v. Allen*, No. 8:09-cv-1504, 2010 WL 11507324, at \*2 (M.D. Fla. Aug. 17, 2010) (“two letters” insufficient), *with Celgene Corp. v. Gupta*, No. 2:17-cv-5308, 2018 WL 4027032, at \*4 (D.N.J. Aug. 23, 2018) (“two letters” sufficient), *and China Int’l Marine Containers (Grp.) Ltd. v. Jiangxi Oxygen Plant Co.*, No. 4:15-cv-1887, 2017 WL 6403886, at \*2 (S.D. Tex. Feb. 15, 2017) (“two inquiries” sufficient).

I also told counsel that, upon motion, I would entertain ordering service by an alternative method “not prohibited by international agreement.” 17 C.F.R. § 201.141(a)(2)(iv)(D). For example, the most recently filed relevant documents in the Commission’s EDGAR database disclose contact information for an individual and related entities, which could yield a working phone number or email address for Yanglin Soybean or one of its officers or directors. Lastly, I discouraged counsel from seeking service by printed publication.

The Division is ORDERED to submit a declaration regarding the status of service by November 19, 2018, if it has not filed a motion for alternative service before that date.

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Cameron Elliot  
Administrative Law Judge