

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 88841 / May 8, 2020

Admin. Proc. File No. 3-19787

In the Matter of
NANO MAGIC INC.

ORDER REQUESTING ADDITIONAL WRITTEN SUBMISSIONS

On April 30, 2020, the Commission issued an order pursuant to Section 12(k) of the Securities Exchange Act of 1934 suspending trading in the securities of Nano Magic Inc. (“NMGX”) (CIK No. 0000891417) for the period from 9:30 a.m. EDT on May 1, 2020, through 11:59 p.m. EDT on May 14, 2020 (the “Trading Suspension Order”).¹ The Trading Suspension Order stated that it appeared to the Commission that a suspension of trading was required because of “questions regarding the accuracy and adequacy of information in the marketplace since at least February 24, 2020” concerning NMGX, including “information in the marketplace claiming that the Company has a patent for a disinfectant that kills ‘coronavirus’” and “a statement made by NMGX on April 7, 2020 regarding the Company’s involvement in the fight against COVID-19.”² The Commission was therefore “of the opinion that the public interest and the protection of investors require a suspension of trading.”³

On May 6, 2020, NMGX filed a petition to terminate the trading suspension. In accordance with Rule of Practice 550(b), additional written submissions are requested.⁴

Accordingly, IT IS ORDERED that the parties file submissions as follows:

- By May 14, 2020, the Division of Enforcement shall file all the information that was before the Commission at the time of the Trading Suspension Order’s issuance.⁵

¹ *Nano Magic Inc.*, Exchange Act Release No. 88789, 2020 WL 2097884 (April 30, 2020).

² *Id.* at *1.

³ *Id.*

⁴ 17 C.F.R. § 201.550(b).

- In view of the detail provided in NMGX's petition and supporting exhibits,⁶ the apparent narrowness of the factual matters in dispute, and NMGX's request for expedited consideration, the Division shall file, by May 21, 2020, a substantive response to the petition, which is not to exceed 8,000 words.
- By May 28, 2020, NMGX may file a reply brief, which is not to exceed 8,000 words.

Any evidentiary materials, such as supporting affidavits or declarations, shall be attached to the briefs, which must contain specific citations to the evidence relied upon. Although appropriately the subject of official notice,⁷ the Commission also requests that the parties provide a copy of any guidance document, policy statement, or other government record relied upon to establish the requirements of any applicable legal regime. No briefs in addition to those specified in this order may be filed without leave of the Commission.⁸

Pursuant to Rule of Practice 180(c), a party's failure to file a brief or to comply with this order may result in the Commission's determination of the matter at issue against that party, a finding of waiver, dismissal of the proceeding, or such other sanction as the Commission finds appropriate.⁹

⁵ See 15 U.S.C. § 78l(k)(5). The Division need not disclose privileged legal analysis or sensitive information about the staff's investigative methods.

⁶ Rule of Practice 550(a), 17 C.F.R. § 201.550(a) (providing that a petition to terminate a suspension shall set forth the "reasons why the petitioner believes that the suspension of trading should not continue and state with particularity the facts upon which the petitioner relies").

⁷ See Rule of Practice 323, 17 C.F.R. § 201.323.

⁸ The briefs shall conform to Rule of Practice 450(b)-(d), with respect to content and length limitations, 17 C.F.R. § 201.450(b)-(d), except as modified in this order. Attention is also called to Rules of Practice 150-153, 17 C.F.R. §§ 201.150-153, and the Commission's March 18, 2020 order regarding the filing and service of papers in administrative proceedings. *Pending Administrative Proceedings*, Exchange Act Release No. 88415, 2020 WL 1322001 (Mar. 18, 2020), <https://www.sec.gov/litigation/opinions/2020/33-10767.pdf>.

⁹ 17 C.F.R. § 201.180(c).

This order expresses no view as to the merits of NMGX's petition, which will be resolved with due regard for NMGX's request for expedited consideration, consistent with the Commission's other responsibilities.¹⁰

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

¹⁰ NMGX requests that the Commission resolve its Rule 550 petition prior to the expiration of the trading suspension, but as the Commission has elsewhere explained, it may provide appropriate relief even if the trading suspension expires while the timely filed Rule 550 petition is still pending. *See, e.g., Efuel EFN Corp.*, Exchange Act Release No. 86307, 2019 WL 2903941, at *1 & nn.7-9 (July 5, 2019); *Bravo Enters.*, Exchange Act Release No. 75775, 2015 WL 5047983, at *6 & n.54, *11 & n.72 (Aug. 27, 2015).