

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

Administrative Proceedings Rulings
Release No. 4999 / August 24, 2017

Administrative Proceeding
File No. 3-18014

In the Matter of

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

Order Regarding Service

The Division of Enforcement has submitted a supplemental declaration regarding the status of service of the order instituting this proceeding (OIP) on Respondent Legend International Holdings, Inc. The declaration states that the Division mailed the OIP to Respondent at its address in Southbank, Victoria, Australia.

As the Division notes, Australia is a signatory to the Hague convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, *done* Nov. 15, 1965, 20 U.S.T. 361, 658 U.N.T.S. 163 (Hague Service Convention). Australia does not object to service by postal channels under Article 10(a) “where it is permitted in the jurisdiction in which the process is to be served.” Declaration/Reservation/Notification, <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=1062&disp=resdn>. Here, that jurisdiction is presumably either Southbank or the state of Victoria. Further research suggests that the state of Victoria allows service by mail. Supreme Court of Victoria, General Civ. Proc. R. 6.07 (“Where personal service of a document is not required, the document may be served . . . by posting the document to the person to be served at the person’s proper address.”).

In addition to allowing jurisdictions to make their own rules regarding service, Australia apparently requires that documents served by mail be sent using “registered mail.” Declaration of Australia to Hague Service Convention (“Documents forwarded via postal channels must be sent via

registered mail to enable acknowledgement of receipt.”); *see also* Australian Government Attorney-General’s Department, *Serving a legal document across international borders*, <https://www.ag.gov.au/Internationalrelations/PrivateInternationalLaw/Pages/ServingaLegalDocumentAcrossInternationalBorders.aspx> (“We request that only registered post be used if documents are to be served by post.”). This leaves open the question whether U.S. priority mail express is considered “registered” mail in Australia. Further, while tracking information indicates that the OIP has been delivered, the Division has not yet submitted evidence of “acknowledgement of receipt.”

Accordingly, I ORDER the Division to file by September 6, 2017, a supplemental declaration on the status of service on Respondent Legend International Holdings.

Cameron Elliot
Administrative Law Judge