

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

Administrative Proceedings Rulings
Release No. 6283 / November 2, 2018

Administrative Proceeding
File No. 3-16965

In the Matter of

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

Notice Regarding Service

I discussed the status of service with counsel for the Division of Enforcement at a telephonic prehearing conference on October 18, 2018. On October 30, 2018, this office received a report on the status of service in another proceeding, *Huixin Waste Water Solutions, Inc.*, No. 3-18187. Although that filing does not expressly reference this proceeding, it notes the Division's intent "to file coordinated motions for default pursuant to Article 15 of the Hague Convention in . . . several other matters based on the lack of response from China." The filing also indicates that the Division may seek leave to serve the motions for default by publication.

In light of that report, I wish to reiterate two points I made during the telephonic prehearing conference. First, service by newspaper publication is likely no longer as reasonably calculated to give notice as it used to be. This is particularly true when the proposed publication prints only in English and the respondent is a Chinese company, which appears to be the case here. *See Mennonite Bd. of Missions v. Adams*, 462 U.S. 791, 799 (1983) (describing service by publication as a "less reliable form[] of notice"); *see also Schroeder v. City of N.Y.*, 371 U.S. 208, 212-14 (1962); 4A Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1074 (4th ed. 2018). To obtain an order allowing service by publication or another alternative method, the Division must show that the particular method satisfies due process. *See Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950); *SEC v. Anticevic*, No. 05-cv-6991, 2009 WL 361739, at *4 (S.D.N.Y. Feb. 13, 2009).

Second, the Chief Administrative Law Judge recently found service was effective on a Nevada corporation with a “revoked” corporate status where the service was made in accordance with Nevada Revised Statutes Section 14.030. *See ANV Sec. Grp.*, Admin. Proc. Rulings Release No. 6255, 2018 SEC LEXIS 2974, at *5-7 (ALJ Oct. 25, 2018). This method of service would seemingly be more cost-effective than service by newspaper publication.

Cameron Elliot
Administrative Law Judge