



UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File Number 3-18017

In the Matter of
Can-Cal Resources Ltd.,
Respondent.

DIVISION OF ENFORCEMENT'S RENEWED
MOTION FOR SUMMARY DISPOSITION AND
BRIEF IN SUPPORT

The Division of Enforcement (“Division”), by and through its counsel, hereby renews its motion for summary disposition and entry of an order of revocation against Respondent Can-Cal Resources, Ltd. (“Can-Cal”). In connection therewith, the Division incorporates, by reference, the procedural and factual history, declarations, and exhibits set forth in its prior filings in this proceeding.

Argument

The Court entered its March 28, 2019 Order Denying the Division of Enforcement’s Motion for Summary Disposition (“Order”) based, in part, on Can-Cal’s “relative financial stability and its commitment to file periodic reports going forward.” Order at 11. The Court noted that Can-Cal would be receiving approximately \$150,000 each for at least 20 years as part of a settlement it reached, and credited Can-Cal’s representation that “[t]hese payments alone should more than adequately cover the costs to pay Can-Cal’s audit firm’ to prepared the document necessary for its securities filings.” Order at 8. As set forth below, Can-Cal’s actions (or lack thereof) demonstrate that it is a recidivist delinquent filer who continues to violate the reporting requirements despite its prior representations to this Court.

The undisputed material facts demonstrate that Can-Cal’s protracted delinquencies and absence of concrete remedial changes to ensure compliance demonstrate that Can-Cal continues to violate the reporting requirements and is likely to violate the reporting requirements in the future regardless of the viability of its funding resources.¹ The hopes for future compliance by Can-Cal vanished when it failed to file a timely Form 10-K a mere four days after entry of the Order. Since the issuance of the Court’s Order, Can-Cal has failed to file all four periodic reports due. Below is a chart of those delinquencies, calculated as of December 9, 2019²:

Filing	Period End	Due Date	Date Filed	Months/days late	12b-25?
10-Q	9/30/2019	11/14/2019	Not filed	28 days	Not filed
10-Q	6/30/2019	8/14/2019	Not filed	3 months, 26 days	Not filed
10-Q	3/31/2019	5/15/2019	Not filed	6 months, 25 days	Not filed
10-K	12/31/2018	4/16/2019	Not filed	7 months, 23 days	4/1/2019

Can-Cal’s lack of compliance over the last eight months demonstrates that its prior assurance of future compliance was not credible. Can-Cal is a recidivist delinquent filer. As former Chief Judge Murray noted, an Exchange Act Section 12(j) “proceeding is not an extension of time to file delinquent reports or correct filing deficiencies . . .” *Bio-Life Labs, Inc.*, Initial Dec. Rel. No. 424, 2011 SEC LEXIS 2546, *9 (July 25, 2011). Can-Cal’s repeated failure to comply with the Exchange Act demonstrates that no dispute of material fact exists, revocation is necessary for the protection of investors, and summary disposition is appropriate.

¹ Between January 7, 2016 and March 2018, Can-Cal did not file any of its required reports with the Commission. *See Order* at 2-3 (discussing Can-Cal’s filing history).

² The Division asks, pursuant to Rule of Practice 323, that the Court take official notice of the following table and all other information and filings on EDGAR referred to in this brief and/or filed as exhibits in this proceeding. The Division will provide copies of Can-Cal’s EDGAR filing history and any other EDGAR documents if requested by the Court or by the respondent.

Conclusion

For the reasons stated herein, its prior pleadings in this matter, and the entire record in this proceeding, the Division hereby renews its Motion for Summary Disposition and asks that the Court enter an order revoking the registration of each class of Can-Cal's securities registered under Exchange Act Section 12.

Dated: December 10, 2019

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that true copies of the Division of Enforcement's Renewed Motion for Summary Disposition and Brief in Support was served on the following on this 10th day of December, 2019, in the manner indicated below:

By Email:

The Honorable James Grimes
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