

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 93128 / September 24, 2021

Admin. Proc. File No. 3-20350

In the Matter of

IMMUNE PHARMACEUTICALS INC.

ORDER REGARDING SERVICE

The Securities and Exchange Commission (“Commission”) issued an Order Instituting Proceedings (“OIP”) on May 27, 2021, pursuant to Section 12(j) of the Securities Exchange Act of 1934, against Immune Pharmaceuticals Inc. (“Respondent”).¹ On August 20, 2021, the Division of Enforcement filed a Declaration of Therese Scheuer, which stated that the OIP was mailed to Respondent “c/o the Chapter 7 Trustee appointed in [Respondent]’s bankruptcy case ... to the address shown on the bankruptcy docket” for that case, as well as “to counsel to the Chapter 7 Trustee in [Respondent]’s bankruptcy case.” The Declaration also stated that the OIP was mailed “directly” to Respondent at an address in Fort Lee, NJ.

Under the circumstances, there is an absence of information necessary to confirm that service of the OIP on Respondent has been properly made. The Declaration does not explain why delivering a copy of the OIP to the address of the Chapter 7 Trustee appointed in the bankruptcy matter—or to the counsel to the Chapter 7 trustee—is an appropriate method of service under Rule 141(a)(2)(ii), which provides that service of an OIP on an issuer may be made by delivering the OIP “to an officer, managing or general agent, or any other agent authorized by appointment or law to receive ... notice” of a proceeding before the Commission.² Nor does the Declaration establish how mailing a copy of the OIP to Respondent at an address in New Jersey qualifies under Rule 141(a)(2)(ii) as having been mailed “to the most recent address shown on the entity’s most recent filing with the Commission.”³ Indeed, Respondent’s most recent filing, a Form 8-K filed in April 2021, indicates that Respondent’s address is in Las Vegas, NV.

¹ *Immune Pharm. Inc.*, Exchange Act Release No. 92056, 2021 WL 2182260 (May 27, 2021).

² 17 C.F.R. § 201.141(a)(2)(ii).

³ *Id.*

Accordingly, IT IS ORDERED that by October 22, 2021, and every 28 days thereafter until service is accomplished, the Division of Enforcement shall file a declaration or status report providing additional information regarding its efforts to effect service of the OIP on Immune Pharmaceuticals Inc., including an explanation of why any service effected is valid under Rule 141.

The parties' attention is directed to the most recent amendments to the Commission's Rules of Practice, which took effect on April 12, 2021, and which include new e-filing requirements.⁴

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

Vanessa A. Countryman
Secretary

⁴ *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020); *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments impose other obligations such as a new redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465–81.