

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Rel. No. 62257 / June 10, 2010

Admin. Proc. File No. 3-13817

In the Matter of

LASERSIGHT, INC., *et al.*,

LOEHMANN'S, INC., Respondent.

ORDER DISMISSING LOEHMANN'S, INC. FROM PROCEEDING

On March 15, 2010 the Commission issued an Order Instituting Proceedings ("OIP") against Loehmann's, Inc. ("Loehmann's") and ten other respondents under Section 12(j) of the Securities Exchange Act of 1934.¹ The OIP alleged that Loehmann's had "a class of securities registered with the Commission pursuant to Exchange Act Section 12(g)" and was delinquent in its filings with the Commission.

On April 9, 2010, the Division of Enforcement moved to dismiss Loehmann's from the proceeding.² According to the Division, Loehmann's has no securities registered with the Commission. The Division has attached to its motion an affidavit from the Division of Corporation Finance. On September 30, 2005, Loehmann's Holdings, Inc. ("Loehman's Holdings"), Loehmann's corporate parent, filed a Form 15 with the Commission, thereby voluntarily deregistering Loehmann's securities. According to the affidavit, however, Loehmann's Holdings mistakenly used its own Central Index Key ("CIK") number³ on the form, 843081, rather than Loehmann's CIK number, 60064. Because of Loehmann's Holdings' error, Corporation Finance staff investigating the status of Loehmann's filings found no electronic record of the deregistration, making it appear to the staff that Loehmann's was delinquent in its reporting obligations. Soon after the OIP was issued, however, Loehmann's Holdings notified

¹ 15 U.S.C. § 78l(j).

² Loehmann's has not responded to the Division's motion, nor has any other party.

³ The CIK number is a unique number assigned by the Commission to each entity that is required to file reports with the Commission.

the Division that Loehmann's Holdings had deregistered Loehmann's securities by filing the above-mentioned Form 15. Corporation Finance confirmed Loehmann's Holdings' filing.

The affidavit explains further that, under limited circumstances, Corporation Finance may "recognize and treat as valid a Form 15 that meets the requirements of the rules necessary to terminate a Section 12 Exchange Act registration" notwithstanding the "clerical mistake of filing under the wrong CIK number." According to the affidavit, this is the state of affairs with Loehmann's. Corporation Finance also represents that it placed a comment on the internal EDGAR database listing for Loehmann's stating that "[a] form 15 was submitted by Loehmann's Holding[s] for its subsidiary," and the filing status on that database is "delineated as 'inactive.'" Thus, Loehmann's currently has no class of securities registered with the Commission. Because revocation or suspension of registration are the only remedies available in this proceeding instituted pursuant to Exchange Act Section 12(j), we find it appropriate to dismiss Loehmann's from this proceeding.⁴

Accordingly, it is ORDERED that the proceeding with respect to Loehmann's, Inc. be, and it hereby is, dismissed.

By the Commission.

Elizabeth M. Murphy
Secretary

⁴ See *TelcoBlue, Inc.*, Securities Exchange Act Rel. No. 58061 (June 30, 2008), 93 SEC Docket 7335 (dismissing Section 12(j) proceeding with respect to a respondent that "no longer [had] a class of securities registered under Section 12 of the Exchange Act").