

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 90860 / January 6, 2021

Admin. Proc. File No. 3-20155

In the Matter of
DOUGHERTY'S PHARMACY, INC.

ORDER TO SHOW CAUSE

The Securities and Exchange Commission ("Commission") issued an Order Instituting Proceedings ("OIP") on November 23, 2020, pursuant to Section 12(j) of the Securities Exchange Act of 1934, against respondent Dougherty's Pharmacy, Inc. ("Respondent").¹

On December 21, 2020, the Division of Enforcement filed the Declaration of Timothy J. Stockwell, which stated that, pursuant to Rule 141(a)(2)(ii) of the Commission's Rules of Practice,² service of the OIP was made on Respondent on December 11, 2020.³

As stated in the OIP, Respondent's answer was required to be filed within ten days of service of the OIP.⁴ As of the date of this order, Respondent has not filed an answer. The prehearing conference and the hearing are thus continued indefinitely.

¹ *Dougherty's Pharmacy, Inc.*, Exchange Act Release No. 90493, 2020 WL 6889254 (Nov. 23, 2020).

² 17 C.F.R. § 201.141(a)(2)(ii).

³ On December 18, 2020, Dougherty's Pharmacy Inc. filed a Form 15 to terminate the registration of its securities under Exchange Act Section 12(g). We note that, unlike in recent cases in which a Form 15 has been filed but an answer has not been filed, in this case the Division has not filed a motion to find the corporation in default and to revoke the registration of its securities and for expedited consideration requesting that its motion for default and revocation be resolved prior to the effective date of the Form 15. *See, e.g., NXChain, Inc. f/k/a AgriVest Americas, Inc.*, Exchange Act Release No. 87652, 2019 WL 6528959 (Dec. 3, 2019). Nonetheless, Dougherty's Pharmacy Inc. should be aware that it may be deemed to be in default and the registration of its securities revoked before its Form 15 becomes effective if it does not file an answer or otherwise respond to this show cause order.

⁴ Rules of Practice 151(a), 160(b), 220(b), 17 C.F.R. §§ 201.151(a), .160(b), .220(b).

Accordingly, Respondent is ORDERED to SHOW CAUSE by January 21, 2021, why the registration of its securities should not be revoked by default due to its failure to file an answer and to otherwise defend this proceeding. When a party defaults, the allegations in the OIP will be deemed to be true and the Commission may determine the proceeding against that party upon consideration of the record without holding a public hearing.

If Respondent fails to respond to this order to show cause, it may be deemed in default, the proceeding may be determined against it, and the registrations of its securities may be revoked.⁵ Upon review of the filings in response to this order, the Commission will either direct further proceedings by subsequent order or issue a final order resolving the matter.

The parties' attention is called to the Commission's March 18, 2020 order regarding the filing and service of papers, which provides that pending further order of the Commission parties to the extent possible shall submit all filings electronically at apfilings@sec.gov.⁶

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

Vanessa A. Countryman
Secretary

⁵ Rules of Practice 155, 180, 17 C.F.R. § 201.155, .180; *see Dougherty's Pharmacy, Inc.*, 2020 WL 6889254, at *2 (“If Respondent fails to file the directed Answer[], . . . [it] may be deemed in default and the proceedings may be determined against [it] . . .”).

⁶ *See Pending Administrative Proceedings*, Exchange Act Release No. 88415, <https://www.sec.gov/litigation/opinions/2020/33-10767.pdf>.