

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 92108 / June 4, 2021

Admin. Proc. File No. 3-19850

In the Matter of

ERBA DIAGNOSTICS, INC. and  
ETERNITY HEALTHCARE, INC.

AMENDED ORDER TO SHOW CAUSE

The Securities and Exchange Commission (“Commission”) issued an Order Instituting Proceedings (“OIP”) on July 1, 2020, against Eternity Healthcare, Inc. (“Respondent”) pursuant to Section 12(j) of the Securities Exchange Act of 1934.<sup>1</sup>

On September 23, 2020, the Division of Enforcement filed the Declaration of Gina Joyce, which established that, pursuant to Rule 141(a)(2)(ii) of the Commission’s Rules of Practice,<sup>2</sup> service of the OIP was made on Respondent on July 30, 2020.

As stated in the OIP, Respondent’s answer was required to be filed within ten days of service of the OIP.<sup>3</sup> As of the date of this order, Respondent has not filed an answer. The prehearing conference and the hearing are thus continued indefinitely.

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<sup>1</sup> *ERBA Diagnostics, Inc.*, Exchange Act Release No. 89208, 2020 WL 3629996 (July 1, 2020). The OIP also instituted proceedings against ERBA Diagnostics, Inc., which previously settled with the Commission. *ERBA Diagnostics, Inc.*, Exchange Act Release No. 89695, 2020 WL 5098146 (Aug. 27, 2020).

<sup>2</sup> 17 C.F.R. § 201.141(a)(2)(ii).

<sup>3</sup> *ERBA Diagnostics, Inc.*, 2020 WL 3629996, at \*2; 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 June 18, 2021,<sup>4</sup> why the registrations 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.<sup>5</sup> 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 and stating that pending further order of the Commission parties to the extent possible shall submit all filings electronically at [apfilings@sec.gov](mailto:apfilings@sec.gov).<sup>6</sup> Also, the Commission's Rules of Practice were recently amended to include new e-filing requirements, which take effect on April 12, 2021.<sup>7</sup>

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

Vanessa A. Countryman  
Secretary

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<sup>4</sup> A previously issued order to show cause contained a typographical error with respect to the date by which Respondent was ordered to show cause why the registrations of its securities should not be revoked by default. *ERBA Diagnostics, Inc.*, Exchange Act Release No. 91453, 2021 WL 1226263 (Apr. 1, 2021).

<sup>5</sup> Rules of Practice 155, 180, 17 C.F.R. § 201.155, .180; *see ERBA Diagnostics, Inc.*, 2020 WL 3629996, at \*2 ("If Respondents fail to file the directed Answers, . . . [they] may be deemed in default and the proceedings may be determined against them . . .").

<sup>6</sup> *Pending Administrative Proceedings*, Exchange Act Release No. 88415, 2020 WL 1322001 (Mar. 18, 2020), <https://www.sec.gov/litigation/opinions/2020/33-10767.pdf>.

<sup>7</sup> *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020); *see also Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 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 also impose other obligations on parties to administrative proceedings 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.