

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 91794/ May 7, 2021

Admin. Proc. File No. 3-19986

In the Matter of

REACH Genetics, Inc.

ORDER DIRECTING PREHEARING CONFERENCE

The Securities and Exchange Commission (“Commission”) issued an Order Instituting Proceedings (“OIP”) on September 11, 2020, pursuant to Section 12(j) of the Securities Exchange Act of 1934, against respondent REACH Genetics, Inc. (“Respondent”).¹ Subsequently, the Division of Enforcement filed the Declaration of Victor Tabak, which stated that, pursuant to Commission Rule of Practice 141(a)(2)(ii),² service of the OIP was made on Respondent on September 15, 2020. On October 5, 2020, Respondent sent a letter addressed to counsel for the Division of Enforcement to the apfilings@sec.gov inbox, which it identified as a “response to the SEC Administrative Proceeding,” and which we construe as its answer to the OIP.³ Among other things, the answer stated that Respondent’s “last periodic filing with the Commission was filed as a Form 10-K for the period ended December 31, 2017,” and that Respondent “receive[d] a delinquency letter sent by the Division of Corporation Finance requesting compliance in July 2019.” It also provided a brief explanation of the current “financial situation of REACH Genetics and [its] management.”

¹ *REACH Genetics, Inc.*, Exchange Act Release No. 89840, 2020 WL 5500133 (Sep. 11, 2020).

² 17 C.F.R. § 201.141(a)(2)(ii).

³ Although the letter was addressed to counsel for the Division of Enforcement, it is unclear whether Respondent served the letter properly. The Office of the Secretary is directed to provide a copy of the letter to counsel for the Division of Enforcement. Commission Rules of Practice 150 and 151(d) require that parties serve papers on each other and that papers filed with the Commission be accompanied by a certificate of service. *See* 17 C.F.R. §§ 201.150, .151(d). The parties are reminded that future filings should comply with these rules.

Under the circumstances, it is appropriate to direct the parties to conduct a prehearing conference by May 21, 2021.⁴ Following the conference, the parties shall file a statement with the Office of the Secretary advising the Commission of any agreements reached at the conference. If a prehearing conference is not held, a statement shall be filed with the Secretary advising the Commission of that fact and of the efforts made to meet and confer. In either case, the statement shall be filed no later than June 4, 2021. If Respondent fails to participate in the prehearing conference as directed by this order, it may be deemed in default, the proceeding may be determined against it, and its securities may be revoked.⁵

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 Also, the Commission's Rules of Practice were recently amended to include new e-filing requirements, which took effect on April 12, 2021.⁷

Accordingly, IT IS ORDERED that the parties hold a prehearing conference and file a statement with the Office of the Secretary following that conference as directed in this order.

⁴ Rule of Practice 221, 17 C.F.R. § 201.221; *see also REACH Genetics, Inc.*, 2020 WL 5500133, at *2 (providing that the parties shall conduct a prehearing conference pursuant to Rule 221 within 14 days after service of Respondent's answer).

⁵ Rules of Practice 155(a), 221(f), 17 C.F.R. §§ 201.155(a), .221(f); *see also REACH Genetics, Inc.*, 2020 WL 5500133, at *2 ("If Respondent . . . fails to appear at a hearing or conference after being duly notified, . . . [it] may be deemed in default and the proceedings may be determined against it . . .").

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

⁷ *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.

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

Vanessa A. Countryman
Secretary