

EMERGING VISION INC
Form NT 10-K
April 01, 2010

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 12b-25

SEC FILE NUMBER

NOTIFICATION OF LATE FILING

1-14128

CUSIP NUMBER

29089W102

(Check[X] Form 10-K [] Form 20-F [] Form 11-K [] Form 10-Q [] Form 10-D
One): [] Form N-SAR [] Form N-CSR

For Period Ended: December 31, 2009

[] Transition Report on Form 10-K

[] Transition Report on Form 20-F

[] Transition Report on Form 11-K

[] Transition Report on Form 10-Q

[] Transition Report on Form N-SAR

For the Transition Period Ended: _____

Read Instruction (on back page) Before Preparing Form. Please Print or Type.
Nothing in this form shall be construed to imply that the Commission has verified any
information contained herein.

If the notification relates to a portion of the filing checked above, identify the item(s) to which the notification relates:

PART I - REGISTRANT INFORMATION

EMERGING VISION, INC.
Full Name of Registrant

Former Name if Applicable

520 8th Avenue

Edgar Filing: EMERGING VISION INC - Form NT 10-K

Address of Principal Executive Office (Street and Number)

New York, New York 10018

City, State and Zip Code

PART II - RULES 12b-25(b) AND (c)

If the subject report could not be filed without unreasonable effort or expense and the registrant seeks relief pursuant to Rule 12b-25(b), the following should be completed. (Check box if appropriate)

- ☒ (a) The reasons described in reasonable detail in Part III of this form could not be eliminated without unreasonable effort or expense;
- ☒ (b) The subject annual report, semi-annual report, transition report on Form 10-K, Form 20-F, 11-K, Form N-SAR, or Form N-CSR, or portion thereof, will be filed on or before the fifteenth calendar day following the prescribed due date; or the subject quarterly report or transition report on Form 10-Q, or subject distribution report on Form 10-D, or portion thereof, will be filed on or before the fifth calendar day following the prescribed due date; and
- ☐ (c) The accountant's statement or other exhibit required by Rule 12b-25(c) has been attached if applicable.

PART III - NARRATIVE

Emerging Vision, Inc. (the "Company") was unable to complete and file its Annual Report on Form 10-K for the fiscal year ended December 31, 2009 (the "Annual Report") within the prescribed time period without unreasonable effort and expense because the third-party valuation reports that the Company requested with respect to its goodwill and intangible valuations were not delivered to the Company in time for it to properly evaluate the valuation reports and to incorporate the relevant information into the Company's financial statements to be included in the Annual Report by the scheduled filing deadline for the Annual Report.

PART IV - OTHER INFORMATION

(1) Name and telephone number of person to contact in regard to this notification:

Brian P. Alessi	(646)	737-1500
(Name)	(Area Code)	(Telephone Number)

(2) Have all other periodic reports required under Section 13 or 15(d) of the Securities Exchange Act of 1934 or Section 30 of the Investment Company Act of 1940 during the preceding 12 months or for such shorter period that the registrant was required to file such report(s) been filed? If answer is no, identify report(s). ☒ Yes ☐ No

(3) Is it anticipated that any significant change in results of operations from the corresponding period for the last fiscal year will be reflected by the earnings statements to be included in the subject report or portion thereof? ☐ Yes ☒ No

If so, attach an explanation of the anticipated change, both narratively and quantitatively, and, if appropriate, state the reasons why a reasonable estimate of the results cannot be made.

EMERGING VISION, INC.

(Name of Registrant as Specified in Charter)

has caused this notification to be signed on its behalf by the undersigned hereunto duly authorized.

Date: April 1, 2010

By: /s/ Brian P. Alessi

Brian P. Alessi

Chief Financial Officer

INSTRUCTION: The form may be signed by an executive officer of the registrant or by any other duly authorized representative. The name and title of the person signing the form shall be typed or printed beneath the signature. If the statement is signed on behalf of the registrant by an authorized representative (other than an executive officer), evidence of the representative's authority to sign on behalf of the registrant shall be filed with the form.

ATTENTION

Intentional misstatements or omissions of fact constitute Federal Criminal Violations (See 18 U.S.C. 1001).