

Edgar Filing: DELCATH SYSTEMS INC - Form 8-K

DELCATH SYSTEMS INC  
Form 8-K  
July 28, 2006

UNITED STATES

SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM 8-K

CURRENT REPORT

Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

Date of Report (Date of earliest event reported): July 28, 2006

DELCATH SYSTEMS, INC.

(Exact name of registrant as specified in its charter)

|                                                   |                          |                                      |
|---------------------------------------------------|--------------------------|--------------------------------------|
| Delaware                                          | 001-16133                | 06-1245881                           |
| (State or other jurisdiction of<br>incorporation) | (Commission File Number) | (IRS Employer<br>Identification No.) |

|                                           |            |
|-------------------------------------------|------------|
| 1100 Summer Street, Stamford, Connecticut | 06905      |
| (Address of principal executive offices)  | (Zip Code) |

Registrant's telephone number, including area code: (203) 323-8668

N/A

(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2 below):

Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)

Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)

Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))

Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

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Section 8 - Other Events

Item 8.01 Other Events.

On July 28, 2006, Delcath Systems, Inc. (the "Company") issued a press release announcing that a stockholder has reported its intent to commence a consent solicitation of the Company's stockholders to remove all members of the Company's Board of Directors. The Company's press release dated July 28, 2006 is incorporated herein by reference and filed as an exhibit hereto.

Section 9 - Financial Statements and Exhibits

Item 9.01. Financial Statements and Exhibits.

- (a) Not applicable
- (b) Not applicable.
- (c) Not applicable.
- (d) Exhibits:

| Exhibit | Description                                                |
|---------|------------------------------------------------------------|
| 99      | Press Release dated July 28, 2006 of Delcath Systems, Inc. |

3

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

DELCATH SYSTEMS, INC.

By:                   /s/ M. S. KOLY                    
 -----  
 M. S. Koly  
 President and Chief Executive Officer

Date: July 28, 2006

EXHIBIT INDEX

| Exhibit | Description |
|---------|-------------|
|---------|-------------|

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99      Press Release dated July 28, 2006 of Delcath Systems, Inc.