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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

FEDERAL TRADE COMMISSION, Petitioner, v. REDWOOD SCIENTIFIC TECHNOLOGIES, INC., Respondent.	Case No. 2:17-cv-7921 FEDERAL TRADE COMMISSION'S PETITION FOR AN ORDER ENFORCING CIVIL INVESTIGATIVE DEMAND

The Federal Trade Commission respectfully petitions this Court pursuant to Section 20 of the Federal Trade Commission Act (FTC Act), 15 U.S.C. § 57b-1, for an order requiring respondent Redwood Scientific Technologies, Inc.

(Redwood) to comply with a properly-issued civil investigative demand (CID) seeking documents and responses to interrogatories. The FTC issued this CID in connection with an investigation into Redwood's advertising and marketing practices for two products, TBX-FREE, a purported smoking cessation product, and Eupepsia Thin, a purported appetite suppressant. The FTC seeks to determine whether Redwood has violated Sections 5 and 12 of the FTC Act, 15 U.S.C. §§ 45, 52, by making false or unsubstantiated representations about the effectiveness of or money-back guarantee for these products, or whether Redwood has violated the Restore Online Shoppers' Confidence Act (ROSCA), 15 U.S.C. § 8401 *et seq.*, by enrolling consumers in automatically-recurring purchase plans without their consent.

This Court should enforce the CID because Redwood has produced no information or documents to date, ignoring not only the deadline set forth in the CID (September 6, 2017) but also three separate deadlines proposed by its own counsel (October 5, 12, and 19). The company has not raised any concerns to the investigating FTC staff attorneys or sought administrative relief through filing a petition to limit or quash the CID with the Commission. This refusal to cooperate has stymied the investigation and impeded the Commission's staff from moving forward in the investigation. The Court should therefore enforce the CID and direct that Redwood produce the information specified within 10 days.

In support, the Commission submits the attached Declaration of Elizabeth Sanger as Petition Exhibit 1 (Pet. Ex.) to verify the Commission's allegations and to establish the *prima facie* case necessary for enforcement of the Commission's administrative process. The Commission also submits the following additional exhibits:

Pet. Ex. 2 — Civil Investigative Demand to Redwood Scientific Technologies, Inc., August 3, 2017;

Pet. Ex. 3	Confirmation of FedEx Delivery to Redwood Scientific Technologies, Inc., August 11, 2017; and
Pet. Ex. 4	Correspondence between FTC staff attorneys and Tracy Green, outside counsel for Redwood, between September 11, 2017 and October 6, 2017.

Jurisdiction and Venue

1. This Court has jurisdiction to enforce the Commission's duly issued CIDs under Sections 20(e) and (h) of the FTC Act, 15 U.S.C. §§ 57b-1(e), (h). This Court also has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), and 1345.

2. Venue is proper in this judicial district under Section 20(e) of the FTC Act, 15 U.S.C. § 57b-1(e), because Redwood is found and transacts business here. Pet. Ex. 1, ¶ 3. Venue is also proper under 28 U.S.C. § 1391.

The Parties

3. Petitioner, the Federal Trade Commission, is an administrative agency of the United States, organized and existing under the FTC Act, 15 U.S.C. §§ 41 *et seq*.

4. The Commission has broad statutory authority to address unfair or deceptive acts or practices. For instance, the FTC is authorized and directed by Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), to prohibit unfair methods of competition and unfair or deceptive acts or practices in or affecting commerce. Section 12 of the FTC Act, 15 U.S.C. § 52, authorizes the Commission to prohibit false advertising for the purpose of inducing, directly or indirectly, the purchase of food, drugs, devices, services, or cosmetics. The Restore Online Shoppers' Confidence Act (ROSCA) authorizes the Commission to enforce ROSCA's prohibitions on certain types of unfair or deceptive online marketing. 15 U.S.C. §§ 8402-8404.

5. The FTC is authorized to conduct investigations to enforce these laws. Sections 3 and 6(a) of the FTC Act, 15 U.S.C. §§ 43, 46(a), authorize the Commission to conduct investigations nationwide and to gather information on any "person, partnership, or corporation." Most relevant here, section 20(c) of the FTC Act, 15 U.S.C. § 57b-1(c), authorizes the Commission to issue CIDs requiring the recipients to produce documents, prepare answers to interrogatories, and provide oral testimony under oath, relating to the subject of any Commission investigation.

6. Respondent Redwood Scientific Technologies, Inc., is based in Claremont, CA. Redwood markets and sells various dissolvable oral strips, including TBX-FREE, a purported smoking cessation product, and Eupepsia Thin, a purported appetite suppressant, throughout the United States. Pet. Ex. 1, ¶ 3. Redwood advertises these products on its own websites, social media platforms such as Facebook, third party retailers such as Amazon.com, and infomercials available on YouTube.com, among other media. *Id.*, ¶ 4.

The Commission's Investigation and Civil Investigative Demand

7. This investigation seeks to determine whether several aspects of Redwood's advertising and marketing of TBX-FREE and Eupepsia Thin comply with Sections 5 and 12 of the FTC Act and ROSCA. The topics covered by the CID include the following:

a. Whether Redwood made false or unsubstantiated representations concerning TBX-FREE's efficacy as a smoking cessation product;

b. Whether Redwood made false or unsubstantiated representations concerning Eupepsia Thin's efficacy as an appetite suppressant and weight loss product;

c. Whether Redwood falsely represented that certain medical institutions and publications have endorsed TBX-FREE as a smoking cessation product;

d. Whether Redwood falsely represented that TBX-FREE comes with a money back guarantee; and

e. Whether Redwood violated ROSCA by enrolling consumers in automatically-recurring purchase plans (also known as "autoship plans") without their express informed consent.

Pet. Ex. 2 at 15, 20.[1]

8. On August 3, 2017, the Commission issued a CID to Redwood directing it to produce certain documents and to respond to interrogatories no later than September 6, 2017. Pet. Ex. 2. This CID was issued under the authority of an investigatory resolution that authorizes the use of process to investigate the following practices:

> whether unnamed persons, partnerships, or corporations, or others engaged directly or indirectly in the advertising or marketing of dietary supplements, foods, drugs, devices, or any other product or service intended to provide a health benefit or to affect the structure or function of the body have misrepresented or are misrepresenting the safety or efficacy of such products or services, and therefore have engaged or are engaging in unfair or deceptive acts or practices or in the making of false advertisements, in or affecting commerce, in violation of Sections 5 and 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45 and 52.

Id. at 31.

9. In issuing the CID, the Commission followed all the procedures required by the FTC Act and its Rules of Practice and Procedure. For instance, the CID was properly signed by a Commissioner acting pursuant to this resolution, as required by Section 20 of the FTC Act, 15 U.S.C. § 57b-1(i); 16 C.F.R. § 2.7(a). *Id.* at 17.

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[1] Cites to page numbers in exhibits are to the consecutive Bates numbers.

10. The FTC served the CID on Redwood on August 11, 2017, directing it to Jason Cardiff, Redwood's President and Chief Executive Officer. *See* Pet. Ex. 3; *see also* 15 U.S.C. § 57b-1(c)(8); 16 C.F.R. § 4.4(a)(3). Shortly after, on August 15, 2017, Tracy Green, outside counsel for Redwood, contacted FTC staff to confirm receipt of the CID. Pet. Ex. 1, ¶ 11.

11. Despite attempts to reach Redwood's counsel on or before the due date, Redwood failed to provide any information on or before the CID's stated deadline of September 6, 2017. *Id.*, ¶¶ 12-13; Pet. Ex. 4 at 35-36. On September 11, 2017, FTC staff informed Redwood's counsel that the company was in default. Pet. Ex.1, ¶ 14; Pet. Ex. 4 at 35-36. Staff did not receive a response until September 27, 2017, at which time counsel stated that she was working with the company to prepare its response and requested an extension in the form of weekly rolling production dates on three dates in October. Pet. Ex. 1, ¶ 16; Pet. Ex. 4 at 38. Staff denied the request for modification of the CID, but agreed to forbear from seeking judicial enforcement provided that the company met each of its proposed deadlines. Pet. Ex. 1, ¶ 17; Pet. Ex. 4 at 39-40. As of this date, however, Redwood has not produced any information and therefore has failed to meet not only the CID's stated deadline, but even the deadlines proposed by its own counsel. Pet. Ex. 1, ¶¶ 18-21.

12. The Commission's Rules of Practice allow the recipient of a CID to object to a CID by filing an administrative petition to limit or quash. *See* 16 C.F.R. § 2.10. Redwood did not file such a petition and, in fact, disclaimed that it had any such objections. Pet. Ex. 1, ¶ 22.

13. Redwood's failure to comply with the August 3, 2017, CID has materially impeded the Commission's ongoing investigation. *Id.*, ¶ 23.

Prayer For Relief

WHEREFORE, the Commission invokes the aid of this Court and prays for:

a. Immediate issuance of an order, substantially in the form attached, directing respondent Redwood Scientific Technologies, Inc., to show cause why it should not comply in full with the Commission's CID, and setting forth a briefing schedule; and

b. A prompt determination of this matter and entry of an order:

(i) Compelling respondent to produce the documents and information specified in the August 3, 2017, CID within 10 days of such order; and

(ii) Granting such other and further relief as this Court deems just and proper.

Respectfully submitted,

DAVID C. SHONKA
Acting General Counsel

LESLIE RICE MELMAN
Assistant General Counsel for Litigation

/s/ Burke W. Kappler
BURKE W. KAPPLER
Attorney

FEDERAL TRADE COMMISSION
600 Pennsylvania Ave., N.W.
Washington, DC 20580
Tel.: (202) 326-2043
Fax: (202) 326-2477
Email: bkappler@ftc.gov

Dated: October 30, 2017

Petition Exhibit 1:

Declaration of Elizabeth Sanger (October 30, 2017)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

FEDERAL TRADE COMMISSION, Petitioner, v. REDWOOD SCIENTIFIC TECHNOLOGIES, INC., Respondent.	Case No. 2:17-cv-7921

DECLARATION OF ELIZABETH SANGER

Pursuant to 28 U.S.C. § 1746, I declare as follows:

1. I am an attorney employed by the U.S. Federal Trade Commission in Washington, D.C., in the Division of Advertising Practices. I am assigned to the FTC's investigation into Redwood Scientific Technologies, Inc. (FTC File No. 1723117). The purpose of the investigation is to determine whether Redwood's practices with respect to the advertising, sale, and marketing of two dissolvable oral strip products violate Sections 5 and 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45, 52, which prohibit "unfair or deceptive acts or practices" and the dissemination of misleading claims for food, drugs, devices, services, and cosmetics. The investigation also seeks to determine if Redwood's practices involving these products also violate the Restore Online Shoppers' Confidence Act (ROSCA), 15 U.S.C. § 8401 *et seq.*, which requires marketers to clearly and conspicuously disclose all material terms of a transaction before obtaining

consumers' billing information, and to provide and honor a simple mechanism for stopping recurring charges.

2. I am authorized to execute a declaration verifying the facts that are set forth in the Petition of the Federal Trade Commission for an Order Enforcing Administrative Investigative Process. I have read the petition and exhibits thereto (hereinafter referred to as Pet. Ex.), and verify that Pet. Ex. 2 through Pet. Ex. 4 are true and correct copies of the original documents. The facts set forth herein are based on my personal knowledge or information made known to me in the course of my official duties.

3. Redwood is a California corporation with its principal place of business at 250 W. 1st St, Suite 310, Claremont, CA 91711. Redwood markets nationwide a number of thin, dissolvable film strips that are placed under the tongue. Consumers can purchase these strips from Redwood directly online or by phone, or through third party online retailers such as Amazon.com. Among Redwood's products are TBX-FREE, a purported smoking cessation aid, and Eupepsia Thin, a purported appetite suppressant and weight loss aid.

4. Redwood advertises on its own websites, social media platforms such as Facebook, third party retailers such as Amazon.com, and infomercials available on YouTube.com, among other media.

5. Redwood has claimed in advertising that TBX-FREE enables smokers to quit smoking in a month, has an 88% success rate, and that its success rate is much greater than that of other smoking cessation products. It has also claimed that clinical testing (including testing published in the New England Journal of Medicine) proves TBX-FREE's effectiveness.

6. Redwood has published a 28-minute YouTube infomercial for Eupepsia Thin that promises substantial weight loss without counting calories, giving up favorite foods, or exercising. The product is also sold on Amazon.com,

where the product description says that "In clinical studies, participants who took Eupepsia Thin were 328% more successful at losing weight and keeping it off, with up to 78% of the weight lost being body fat."

7. As a result, the FTC opened an investigation into Redwood to determine if Redwood's advertising for TBX-FREE and Eupepsia Thin violated Sections 5 and 12 of the FTC Act, or whether its online marketing practices violated ROSCA. On August 3, 2017, the Commission issued a civil investigative demand (CID) to Redwood under the authority of omnibus FTC Resolution 002-3191 (Pet. Ex. 2), which authorizes the use of compulsory process, including CIDs,

> to investigate whether unnamed persons, partnerships, or corporations, or others engaged directly or indirectly in the advertising or marketing of dietary supplements, foods, drugs, devices, or any other product or service intended to provide a health benefit or to affect the structure or function of the body have misrepresented or are misrepresenting the safety or efficacy of such products or services, and therefore have engaged or are engaging in unfair or deceptive acts or practices or in the making of false advertisements, in or affecting commerce, in violation of Sections 5 and 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45 and 52.

Pet. Ex. 2 at 31.[1]

8. The CID required Redwood to respond to 22 interrogatories and 16 document requests on or before September 6, 2017. Pet. Ex. 2 at 20-28.

9. The CID seeks information relating to, among other things, advertising, corporate structure, product sales and refunds, substantiation for the claims made in Redwood's advertising, consumer endorsers, and consumer complaints. This information directly serves the purposes of the FTC's investigation by enabling FTC staff to determine whether Redwood possesses

[1] Cites to page numbers in exhibits are to the consecutive Bates numbers.

adequate substantiation for its smoking cessation claims for TBX-FREE and weight loss claims for Eupepsia Thin and to obtain more information about whether and how Redwood discloses the material terms of its online sales transactions.

10. The CID was delivered and signed for by "R. Green" on August 11, 2017. Pet. Ex. 3.

11. On August 15, 2017, attorney Tracy Green of Green & Associates called FTC staff attorney Shira Modell to confirm receipt of the CID and to propose additional discussions regarding Redwood's compliance. Staff did not receive any follow-up communications from Ms. Green, however.

12. On September 5, 2017—the day before Redwood's response was due—Ms. Modell and I called Ms. Green's office and cell phone. When Ms. Green returned our calls, she stated that she had previously sent a letter concerning the CID to staff, although she did not specifically identify to whom. I responded that we had not received that letter and I reconfirmed our contact information. Ms. Green said that she would resend the letter by email when she got back to her office later that day. Neither Ms. Modell nor I ever received that letter from Ms. Green or a follow-up e-mail.

13. On September 6, 2017, Ms. Modell and I called and left a message with our names with Ms. Green's assistant at Green & Associates, and specifically mentioned that as of the close of business, the CID response would be overdue. Redwood did not produce any information on that date.

14. On September 11, 2017, staff sent a letter to Ms. Green summarizing our attempts to contact her in advance of the CID deadline, informing her that the CID was in default, and requesting that she contact us by September 14, after which we would begin taking steps to enforce the CID in court. Pet. Ex. 4 at 35-36. Staff did not receive any return communication from Ms. Green.

15. On September 21, 2017, staff sent a letter to Redwood, requesting that it confirm that Ms. Green continued to represent the company, and attaching a copy of staff's September 11 letter to Ms. Green. The September 21 letter requested that Redwood's counsel (whether Ms. Green, newly retained outside counsel, or in-house counsel), or the company's CEO (if no longer represented by counsel), respond to staff's letter by September 26. Pet. Ex. 4 at 37.

16. On September 27, Ms. Green responded to staff and reconfirmed that she represented Redwood, and introduced William Senior of Benjamin England & Associates as her co-counsel. Ms. Green wrote that she had been working with her client on its CID responses but Redwood's small size had presented staffing issues. She said that the company needed extensions for its production and laid out a proposed schedule for three weekly productions on October 4, October 12, and October 19 (although she did not specify which materials would be produced on each date). Pet. Ex. 4 at 38.

17. On September 29, 2017, staff emailed Ms. Green and Mr. Senior to reiterate that Redwood was in default of the CID and that, because of that default, the CID deadline would not be modified. We indicated, however, that we would consider forbearing from seeking judicial enforcement if Redwood met certain conditions, including participating in a meet-and-confer with staff no later than October 4 and otherwise complying with the weekly production schedule as proposed. We advised Ms. Green, however, that a failure to meet any of the proposed deadlines would result in a referral for enforcement. Pet. Ex. 4 at 39-40. Ms. Green replied that she was in trial "but that is a fair request and I will respond further this weekend and get you a response by Monday [October 2] as set forth herein." Pet. Ex. 4 at 39. Ms. Green did not follow up over the weekend or on Monday, October 2.

18. On October 5, Ms. Green sent us a letter laying out a proposed CID production schedule. Pet. Ex. 4 at 41-45. The letter, which was dated October 4, incorrectly claimed that Redwood had not received the CID until September 8. Pet. Ex. 4 at 41. The letter further requested a slight change in Ms. Green's proposed schedule for various reasons and asked to move the first production date from October 4 to October 5. *Id.* The letter did not request any changes to the remaining dates and included a detailed specification-by-specification schedule for weekly productions on October 5, October 12, and October 19. Pet. Ex. 4 at 42-44. Despite the letter's representations, however, Redwood did not make a production on October 5.

19. On October 6, staff spoke with Ms. Green by phone. She acknowledged that Redwood had, in fact, received the CID in advance of her August 15 phone call to Ms. Modell, and conceded that her written statement regarding when Redwood received the CID was incorrect. She represented that the initial production was ready and that she would send it to us when she returned from court to her office that afternoon. We stated that Division of Advertising Practices management was concerned about the missed deadlines and communications to date and expected that Redwood would come into compliance. Ms. Green said she understood that they "had used up their store of good will."

20. Shortly after 6:00 p.m. (Eastern time), I wrote to Ms. Green to check on the status of the promised production. I informed her that I would be leaving the office at 7:00 p.m. and would like to confirm receipt of the CID production before leaving. Pet. Ex. 4 at 46. She responded, "I'll get it over shortly May not be in next 8 minutes…but will be before I leave… I'm thinking 4:30 my time." *Id.* Redwood did not make a production on October 6, nor did Ms. Green communicate with staff after promising to send the production that day.

21. Redwood did not produce any information or documents on October 12, its second promised production date, or on October 19, its third and final promised production date. Staff has received no communications from Redwood counsel since October 6, 2017.

22. Redwood has not expressed any specific objections to the CID and did not file a petition to limit or quash the CID with the Commission. See 16 C.F.R. § 2.10(a). To the contrary, Ms. Green stated during the October 6 call that Redwood did not have any objections to the CID specifications.

23. Redwood has produced no information in response to the CID. Redwood's non-compliance with the CID has burdened, delayed, and impeded the Commission's investigation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 30, 2017

Elizabeth Sanger, Staff Attorney
Division of Advertising Practices
Bureau of Consumer Protection
Federal Trade Commission

Petition Exhibit 2:

Civil Investigative Demand to Redwood Scientific Technologies, Inc. (August 3, 2017)

UNITED STATES OF AMERICA
Federal Trade Commission
Washington, D.C. 20580

August 8, 2017

Via Federal Express
Redwood Scientific Technologies, Inc.
250 W. 1st Street, Suite 310
Claremont, CA 91711
Attn: Jason Cardiff, President and Chief Executive Officer

FTC Matter No. 172-3117

Dear Mr. Cardiff:

The Federal Trade Commission (FTC) has issued the attached Civil Investigative Demand asking for information as part of a non-public investigation. Our purpose is to determine:

Whether Redwood Scientific Technologies, Inc. has violated Sections 5 and 12 of the FTC Act, 15 U.S.C. §§ 45 and 52, by, among other things:

1. Making false or unsubstantiated representations concerning TBX-FREE's effectiveness as a smoking cessation product;

2. Making false or unsubstantiated representations concerning Eupepsia Thin's effectiveness as an appetite suppressant and weight loss aid;

3. Representing that certain medical institutions and publications have endorsed TBX-FREE as an effective smoking cessation product; and

4. Falsely representing that TBX-FREE is sold with a money back guarantee.

Whether Redwood Scientific Technologies, Inc. has violated the Restore Online Shoppers' Confidence Act, 15 U.S.C. § 8401 *et seq.*, by, among other things, enrolling consumers in autoship plans without their express informed consent.

Whether Commission action to obtain monetary relief would be in the public interest.

Please read the attached documents carefully. Here are a few important points we would like to highlight:

1. **Contact FTC counsel, Shira Modell, 202-326-3116, smodell@ftc.gov as soon as possible to schedule an initial meeting to be held within 14 days.** You can meet in person or by phone to discuss any questions you have, including whether there are changes to how you comply with the Civil Investigative Demand that would reduce

your cost or burden while still giving the FTC the information it needs. Please read the attached documents for more information about that meeting.

2. **You must immediately stop any routine procedures for electronic or paper document destruction, and you must preserve all paper or electronic documents** that are in any way relevant to this investigation, even if you believe the documents are protected from discovery by privilege or some other reason.

3. **We will use your response for purposes of this investigation.** We will not disclose it under the Freedom of Information Act, 5 U.S.C. § 552. We may disclose the information in response to a valid request from Congress or other civil and criminal federal, state, local, or foreign law enforcement agencies for their official law enforcement purposes. The FTC or other agencies may use and disclose your response in any federal, state, or foreign civil or criminal proceeding, or if required to do so by law.

4. **Your response is due on September 6, 2017.** The attached documents contain important information about how you should provide your response.

Please contact FTC counsel immediately to set up an initial meeting. We appreciate your cooperation.

Very truly yours,

Donald S. Clark

Donald Clark
Secretary of the Commission

United States of America
Federal Trade Commission

CIVIL INVESTIGATIVE DEMAND

1. TO

Redwood Scientific Technologies, Inc.
250 W. 1st Street, Suite 310
Claremont, CA 91711
Attn: Jason Cardiff, President and Chief Executive Officer

This demand is issued pursuant to Section 20 of the Federal Trade Commission Act, 15 U.S.C. § 57b-1, in the course of an investigation to determine whether there is, has been, or may be a violation of any laws administered by the Federal Trade Commission by conduct, activities or proposed action as described in Item 3.

2. ACTION REQUIRED

☐ You are required to appear and testify.

LOCATION OF HEARING	YOUR APPEARANCE WILL BE BEFORE
	DATE AND TIME OF HEARING OR DEPOSITION

☒ You are required to produce all documents described in the attached schedule that are in your possession, custody, or control, and to make them available at your address indicated above for inspection and copying or reproduction at the date and time specified below.

☒ You are required to answer the interrogatories or provide the written report described on the attached schedule. Answer each interrogatory or report separately and fully in writing. Submit your answers or report to the Records Custodian named in Item 4 on or before the date specified below.

☒ You are required to produce the tangible things described on the attached schedule. Produce such things to the Records Custodian named in Item 4 on or before the date specified below.

DATE AND TIME THE DOCUMENTS, ANSWERS TO INTERROGATORIES, REPORTS, AND/OR TANGIBLE THINGS MUST BE AVAILABLE

SEP 06 2017

3. SUBJECT OF INVESTIGATION

See attached Schedule and attached Resolution

4. RECORDS CUSTODIAN/DEPUTY RECORDS CUSTODIAN	5. COMMISSION COUNSEL
Lynne Colbert/Connor Sands Federal Trade Commission 600 Pennsylvania Ave, NW, Mail Drop CC-10528 Washington, DC 20580	Shira Modell Federal Trade Commission 600 Pennsylvania Ave, NW, Mail Drop CC-10528 Washington, DC 20580 (202) 326-3116

DATE ISSUED	COMMISSIONER'S SIGNATURE
August 3, 2017	Terrell McSweeny

INSTRUCTIONS AND NOTICES

The delivery of this demand to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply. The production of documents or the submission of answers and report in response to this demand must be made under a sworn certificate, in the form printed on the second page of this demand, by the person to whom this demand is directed or, if not a natural person, by a person or persons having knowledge of the facts and circumstances of such production or responsible for answering each interrogatory or report question. This demand does not require approval by OMB under the Paperwork Reduction Act of 1980.

PETITION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any petition to limit or quash this demand be filed within 20 days after service, or, if the return date is less than 20 days after service, prior to the return date. The original and twelve copies of the petition must be filed with the Secretary of the Federal Trade Commission, and one copy should be sent to the Commission Counsel named in Item 5.

YOUR RIGHTS TO REGULATORY ENFORCEMENT FAIRNESS

The FTC has a longstanding commitment to a fair regulatory enforcement environment. If you are a small business (under Small Business Administration standards), you have a right to contact the Small Business Administration's National Ombudsman at 1-888-REGFAIR (1-888-734-3247) or www.sba.gov/ombudsman regarding the fairness of the compliance and enforcement activities of the agency. You should understand, however, that the National Ombudsman cannot change, stop, or delay a federal agency enforcement action.

The FTC strictly forbids retaliatory acts by its employees, and you will not be penalized for expressing a concern about these activities.

TRAVEL EXPENSES

Use the enclosed travel voucher to claim compensation to which you are entitled as a witness for the Commission. The completed travel voucher and this demand should be presented to Commission Counsel for payment. If you are permanently or temporarily living somewhere other than the address on this demand and it would require excessive travel for you to appear, you must get prior approval from Commission Counsel.

A copy of the Commission's Rules of Practice is available online at http://bit.ly/FTCRulesofPractice. Paper copies are available upon request.

FTC Form **144** (rev 12/15)

Form of Certificate of Compliance*

I/We do certify that all of the documents, information and tangible things required by the attached Civil Investigative Demand which are in the possession, custody, control, or knowledge of the person to whom the demand is directed have been submitted to a custodian named herein.

If a document or tangible thing responsive to this Civil Investigative Demand has not been submitted, the objections to its submission and the reasons for the objection have been stated.

If an interrogatory or a portion of the request has not been fully answered or a portion of the report has not been completed, the objections to its submission and the reasons for the objections have been stated.

Signature _____

Title _____

Sworn to before me this day

_____ _____

_____
Notary Public

_____

*In the event that more than one person is responsible for complying with this demand, the certificate shall identify the documents for which each certifying individual was responsible. In place of a sworn statement, the above certificate of compliance may be supported by an unsworn declaration as provided for by 28 U.S.C. § 1746.

FEDERAL TRADE COMMISSION ("FTC")
CIVIL INVESTIGATIVE DEMAND ("CID") SCHEDULE
FTC File No. 172-3117

Meet and Confer: You must contact **FTC counsel,** Shira Modell (202-326-3116); smodell@ftc.gov, as soon as possible to schedule a meeting (telephonic or in person) to be held within fourteen (14) days after you receive this CID. At the meeting, you must discuss with FTC counsel any questions you have regarding this CID or any possible CID modifications that could reduce your cost, burden, or response time yet still provide the FTC with the information it needs to pursue its investigation. The meeting also will address how to assert any claims of protected status (e.g., privilege, work-product, etc.) and the production of electronically stored information. You must make available at the meeting personnel knowledgeable about your information or records management systems, your systems for electronically stored information, custodians likely to have information responsive to this CID, and any other issues relevant to compliance with this CID.

Document Retention: You must retain all documentary materials used in preparing responses to this CID. The FTC may require the submission of additional documents later during this investigation. **Accordingly, you must suspend any routine procedures for document destruction and take other measures to prevent the destruction of documents** that are in any way relevant to this investigation, even if you believe those documents are protected from discovery. *See* 15 U.S.C. § 50; *see also* 18 U.S.C. §§ 1505, 1519.

Sharing of Information: The FTC will use information you provide in response to the CID for purposes of this investigation. We will not disclose such information under the Freedom of Information Act, 5 U.S.C. § 552. We also will not disclose such information, except as allowed under the FTC Act (15 U.S.C. § 57b-2), the Commission's Rules of Practice (16 C.F.R. §§ 4.10 & 4.11), or if required by a legal obligation. Under the FTC Act, we may provide your information in response to a request from Congress or a proper request from another law enforcement agency. However, we will not publically disclose such information without giving you prior notice.

Manner of Production: You may produce documentary material or tangible things by making them available for inspection and copying at your principal place of business. Alternatively, you may send all responsive documents and tangible things to **Lynne Colbert, Federal Trade Commission, 600 Pennsylvania Avenue, N.W. Mail Drop CC-10528, Washington, D.C. 20580**. If you are sending the materials, use a courier service such as Federal Express or UPS because heightened security measures delay postal delivery to the FTC. You must inform FTC counsel by email or telephone of how you intend to produce materials responsive to this CID at least five days before the return date.

Certification of Compliance: You or any person with knowledge of the facts and circumstances relating to the responses to this CID must certify that such responses are complete by completing the "Form of Certificate of Compliance" set forth on the back of the CID form or by signing a declaration under penalty of perjury pursuant to 28 U.S.C. § 1746.

Certification of Records of Regularly Conducted Activity: Attached is a Certification of Records of Regularly Conducted Activity. Please execute and return this Certification with your response. Completing this certification may reduce the need to subpoena you to testify at future proceedings to establish the admissibility of documents produced in response to this CID.

Definitions and Instructions: Please review carefully the Definitions and Instructions that appear after the Specifications and provide important information regarding compliance with this CID.

SUBJECT OF INVESTIGATION

Whether the "Company," as defined herein, has violated Sections 5 and 12 of the FTC Act, 15 U.S.C. §§ 45 and 52, by, among other things:

1. Making false or unsubstantiated representations concerning TBX-FREE's effectiveness as a smoking cessation product;

2. Making false or unsubstantiated representations concerning Eupepsia Thin's effectiveness as an appetite suppressant and weight loss aid;

3. Representing that certain medical institutions and publications have endorsed TBX-FREE as an effective smoking cessation product; and

4. Falsely representing that TBX-FREE is sold with a money back guarantee.

Whether the "Company," as defined herein, has violated the Restore Online Shoppers' Confidence Act, 15 U.S.C. § 8401 et seq., by, among other things, enrolling consumers in autoship plans without their express informed consent.

Whether Commission action to obtain monetary relief would be in the public interest.

See also attached resolution.

SPECIFICATIONS

Applicable Time Period: Unless otherwise directed, the applicable time period for the requests set forth below is from January 1, 2015 until the date of full and complete compliance with this CID.

SPECIFICATIONS FOR WRITTEN INTERROGATORY RESPONSES

1. Provide the following information for Redwood Scientific Technologies, Inc. ("Redwood"):

   a. Its full legal name and all other names under which it has done business;

   b. The mailing address, street address, and telephone number of its headquarters;

   c. The state(s) in which it is organized and date(s) of incorporation or licensing;

d. The identity of all managers, officers, directors, principals, and owners;

e. The identity of all persons holding five percent or more interest in Redwood and for each, state the percentage of its holdings; and

f. The names, addresses, officers, directors, owners, and state(s) of incorporation or other organization of all of its parents, subsidiaries, affiliate companies, joint ventures, partnerships, operations under assumed names, and divisions.

2. Provide the following information separately for TBX-FREE and for Eupepsia Thin:

a. The per unit sales price to consumers or the suggested retail price;

b. Your annual gross sales revenue for 2015, 2016, and 2017 to date;

c. The number and dollar value of refund requests or chargebacks for 2015, 2016, and 2017 to date;

d. The number and dollar value of refunds paid to consumers for 2015, 2016, and 2017 to date;

e. The total dollar amount spent by you on advertising, marketing, or other promotion of the product; and

f. The percentage of your direct sales (i.e., not including sales through third parties) derived from one-time orders versus autoship orders.

If you maintain financial data on a fiscal year basis that differs from the calendar year, provide the requested data according to those fiscal years and specify the dates of each fiscal year.

3. Provide the following information for Blossom, Prolongz, Comfort Time, ProvaxaltoNIN, and Sumnusent:

a. Your annual gross sales revenue for 2015, 2016, and 2017 to date; and

b. The percentage of your direct sales (i.e., not including sales through third parties) derived from one-time orders versus autoship orders.

If you maintain financial data on a fiscal year basis that differs from the calendar year, provide the requested data according to those fiscal years and specify the dates of each fiscal year.

4. List the full name and URL for each website or social media page or account operated by you or on your behalf referring to or relating to TBX-FREE and Eupepsia Thin, and, for each such website or page, identify the owner or operator and describe in detail its relationship to you.

5. Identify each advertising platform and network you have used to place advertising online for TBX-FREE, and provide your account number or name for each.

6. Provide any keywords, terms, phrases, or other criteria that you (or any person or entity acting for or on your behalf) have used to effect the placement or delivery of any advertisement or sponsored link for TBX-FREE in connection with any online advertising network or advertising delivery or contextual marketing software or system, including any advertisement or sponsored link in search results generated by Google or any other Internet search engine (e.g., through the Google AdWords program).

7. Identify the person(s) responsible for creating, designing, developing, reviewing, testing, evaluating, or approving any advertisement or promotional material submitted in response to Document Request 2, including, but not limited to, any website or page listed in response to Written Interrogatory 4, and describe in detail the functions each person performed.

8. Identify all persons responsible for developing, reviewing, or evaluating substantiation, scientific or otherwise, for the claims set forth in Document Request 5 for TBX-FREE, and describe in detail the functions each person performed.

9. Identify all persons upon whose advice, opinion, or expertise Redwood, or any person acting for or on behalf of Redwood, relied to substantiate the claims set forth in Document Request 5 for TBX-FREE, and state any compensation, remuneration, or thing of value provided to each person.

10. Regardless of time period, describe in detail any human clinical studies testing the efficacy of TBX-FREE for smoking cessation, including the role of Redwood in each study.

11. Identify all persons responsible for developing, reviewing, or evaluating substantiation, scientific or otherwise, for the claims set forth in Document Request 7 for Eupepsia Thin, and describe in detail the functions each person performed.

12. Identify all persons upon whose advice, opinion, or expertise Redwood, or any person acting for or on behalf of Redwood, relied to substantiate the claims set forth in Document Request 7 for Eupepsia Thin, and state any compensation, remuneration, or thing of value provided to each person.

13. Regardless of time period, describe in detail any human clinical studies testing the efficacy of Eupepsia Thin for appetite suppression or weight loss, including the role of Redwood in each study.

14. Identify each consumer appearing in any advertisement or promotional material submitted in response to Document Request 2, and provide the following information for each:

a. Whether the person works for Redwood or is related to someone who works for Redwood; and

b. Any compensation provided to that person in exchange for their endorsement.

15. Identify each consumer appearing in the program length commercial for Eupepsia Thin found at https://www.youtube.com/watch?v=ACYlj3eTpJU, and provide the following information for each:

a. Whether the person works for Redwood or is related to someone who works for Redwood; and

b. Any compensation provided to that person in exchange for their endorsement.

16. Identify and describe in detail the role of each of the following individuals in connection with your operations, including, but not limited to, product development, modification, and testing; quality control; instructions to consumers for product use; product reviews, testimonials, and endorsements; review of and response to consumer complaints; developing, reviewing, or approving advertising content, including, but not limited to, websites or other internet content; and developing, reviewing, or evaluating advertising substantiation:

a. Jason Cardiff;

b. Eunjung Cardiff;

c. Jacques Poujade; and

d. Mohammad Salah Zaki.

17. Describe in detail Redwood's relationship, if any, with Dalian Jixin Electronic Information Co., Ltd., including, but not limited to, any involvement by Dalian Jixin in the clinical testing, manufacturing, registration, labeling, advertising, or sale of TBX-FREE or Eupepsia Thin.

18. Identify all payment processors used in connection with sales of TBX-FREE and the chargeback rates for each one.

19. For any investigation or proceeding relating to TBX-FREE initiated by any federal, state, provincial, international, or local government entity, industry or trade organization, self-regulatory entity, or advocacy group:

a. State the forum and name of the investigation or proceeding, and identify all parties;

b. State the dates on which the investigation or proceeding was initiated and on which you first became aware of it;

c. Describe with specificity the nature of the investigation or proceeding and state any statutes, regulations, industry guidelines, or other rules the other parties allege may be violated; and

d. Describe with specificity the disposition or current status of the matter.

20. Describe in detail Redwood's refund policy for TBX-FREE.

21. Describe in detail Redwood's record retention policies, including the manner and duration of preservation of email and advertising materials.

22. Identify all persons who participated in preparing responses to this CID.

SPECIFICATIONS FOR PRODUCTION OF DOCUMENTS AND TANGIBLE THINGS

Demand is made for the following:

1. Two complete packages (including the product, package and package labeling, and package inserts) of each version of TBX-FREE and Eupepsia Thin manufactured, advertised, promoted, marketed, offered for sale, sold, or distributed by Redwood.

2. A copy of each different advertisement for TBX-FREE and Eupepsia Thin, whether disseminated to consumers, distributors or potential distributors, retailers, or any other person.

3. All marketing strategy documents showing the, themes, messages, or inferences that you intended or believed to be conveyed in advertising for TBX-FREE or Eupepsia Thin.

4. All consumer research, copy tests, focus group reports, marketing surveys and reports, recall tests, audience reaction tests, communication tests conducted on proposed, draft, or final advertising for TBX-FREE or Eupepsia Thin, and all documents presented to test audiences.

5. Without regard to time period, and whether or not Redwood believes these claims were made in advertising or promotional materials, all documents, including, but not limited to, studies, tests, experiments, demonstrations, and written or oral statements or opinions, substantiating the following claims about TBX-FREE:

a. That TBX-FREE is an effective smoking cessation product;

b. That TBX-FREE enables most smokers to stop smoking in just one month;

c. That TBX-FREE is more effective than nicotine patches in enabling smokers to stop smoking;

d. That TBX-FREE is more effective than nicotine gum in enabling smokers to stop smoking;

e. That TBX-FREE has an "88% success rate";

f. That TBX-FREE has an 88 percent success rate among people who have smoked longer than 5 years;

g. That 10,600 people have used TBX-FREE, and 88 percent of them stopped smoking as a direct result of their use of the product;

h. That the U.S. Food and Drug Administration has determined that TBX-FREE is an effective smoking cessation product;

i. That clinical testing of TBX-FREE conducted at Johns Hopkins University has proven that TBX-FREE is an effective smoking cessation product;

j. That Johns Hopkins University has endorsed TBX-FREE as an effective smoking cessation product;

k. That the New England Journal of Medicine has endorsed TBX-FREE as an effective smoking cessation product;

l. That the New England Journal of Medicine has said that TBX-FREE is 10 times more effective for smoking cessation than nicotine replacement therapy; and

m. That Harvard Medical School's Harvard Health Publications has endorsed TBX-FREE as an effective smoking cessation product.

6. All documents not produced in response to any other Document Request that refer to or relate to both: (1) TBX-FREE; and (2) the New England Journal of Medicine, Johns Hopkins University, or Harvard Medical School's Harvard Health Publications.

7. Without regard to time period, and whether or not Redwood believes these claims were made in advertising or promotional materials, all documents, including, but not limited to, studies, tests, experiments, demonstrations, and written or oral statements or opinions, substantiating the following claims about Eupepsia Thin:

a. That Eupepsia Thin is an effective appetite suppressant;

b. That Eupepsia Thin enables users to weight;

c. That Eupepsia Thin enables users to lose more than 100 pounds;

d. That clinical studies prove Eupepsia Thin is an effective appetite suppressant;

e. That "In clinical studies, participants who took Eupepsia Thin were 328% more successful at losing weight and keeping it off, with up to 78% of the weight lost being body fat"; and

f. That Eupepsia Thin enables users to lose substantial amounts of weight without giving up their favorite foods or increasing their exercise.

8. Without regard to time period, provide the following for each unpublished human clinical study responsive to Written Interrogatory 10 (regarding TBX-FREE) or to Written Interrogatory 13 (regarding Eupepsia Thin):

a. Documents showing the product(s) tested;

b. Documents showing the sponsor of the study;

c. Documents showing the date(s) the study was conducted;

d. Documents showing the protocol of the study (e.g., the manner in which subjects were selected to participate, an exact description and number of the subjects who participated, copies of all instructions provided to the subjects, whether any incentives were provided for participation);

e. Documents showing the identity and qualifications of the individuals who conducted the study, and for each such person, the nature and amount of the total compensation or remuneration received;

f. Copies of each of the test instruments (e.g., questionnaires) used in the study;

g. All draft or final versions, including any amendments, of protocols, statistical analysis plans, clinical agreements, reports, manuscripts, presentations, abstracts, or meeting notes or minutes;

h. All raw data collected from participants enrolled in the study, including any participants who did not complete the study; source documents for such data; any data dictionaries; and any case report forms;

i. All draft, interim, or final data summaries, whether in chart, table, or any other form, including baseline and outcome measurements for all subjects enrolled in the study; and

j. All other documents not explicitly referenced herein that were used by the researchers to obtain, convey, or analyze data or conclusions, or otherwise provide guidance regarding the execution of the study.

If any material contains sensitive health information, as defined in Instruction I-11, please follow those instructions before producing such information.

9. For each consumer endorser identified in response to Written Interrogatory 14 or 15, provide the following:

a. All scripts, talking points, or other materials given to the endorser; and

b. All documents referring to or relating to communications between Redwood and the endorser, including, but not limited to, any agreements, contracts, or compensation (including reimbursement for travel and related expenses).

10. All communications between you or any other person and the Food and Drug Administration concerning TBX-FREE or Eupepsia Thin.

11. All complaints, answers, judgments, and settlement agreements in any state or federal court litigation referring to or relating to TBX-FREE, in which you or any affiliated person or entity is a named party.

12. All emails, memos, market research, studies, reports, analyses, or surveys referring to or relating to the sale of TBX-FREE as part of a continuity plan, negative option, or free-to-pay conversion.

13. All documents prepared for any communications with consumers about TBX-FREE or Eupepsia Thin, including, but not limited to, telemarketing scripts, outlines, guides, suggested responses to questions, policies, manuals, or procedures for handling consumer questions and orders and consumer complaints and inquiries, including communications referring to or relating to any continuity program, negative option, free-to-pay conversion, or refund or cancelation policies.

14. All 2017 documents and communications referring to or relating to consumers' complaints that they or a family member:

a. Never ordered TBX-FREE;

b. Canceled their order or attempted unsuccessfully to do so;

c. Were billed for TBX-FREE that was never ordered, was never received, or was returned;

d. Were billed for subsequent shipments of TBX-FREE before receiving their free trial;

e. Were billed for TBX-FREE that was sent or received after the account was canceled;

f. Never authorized or made more than a single purchase of the TBX-FREE; or

g. Did not understand that they would be receiving automatic additional shipments.

If any material contains sensitive health information, as defined in Instruction I-11, please follow those instructions before producing such information.

15. All 2017 documents and communications referring to or relating to consumers' complaints about problems obtaining a refund for their purchase of TBX-FREE, including, but not limited to, complaints that they or a family member:

a. Had not successfully quit smoking after using TBX-FREE;

b. Had attempted to obtain a refund pursuant to a 30-day money back guarantee offered by Redwood;

c. Had been denied a refund because they had opened their package of TBX-FREE; or

d. Had been unable to reach a customer service representative.

If any material contains sensitive health information, as defined in Instruction I-11, please follow those instructions before producing such information.

16. All 2017 documents referring to or relating to communications with payment processors regarding consumer chargebacks against you in connection with the sale of TBX-FREE.

DEFINITIONS

The following definitions apply to this CID:

D-1. "**Company**," "**You**," or "**Your**" means Redwood Scientific Technologies, Inc., its wholly or partially owned subsidiaries, unincorporated divisions, joint ventures, operations under assumed names, and affiliates, and all directors, officers, members, employees, agents, consultants, and other persons working for or on behalf of the foregoing.

D-2. "**Document**" means the complete original, all drafts, and any non-identical copy, whether different from the original because of notations on the copy, different metadata, or otherwise, of any item covered by 15 U.S.C. § 57b-1(a)(5), 16 C.F.R. § 2.7(a)(2), and Federal Rule of Civil Procedure 34(a)(1)(A).

D-3. "**Identify**" or "**the identity of**" requires identification of (a) natural persons by name, title, present business affiliation, present business address, telephone number, and email address or, if a present business affiliation or present business address is not known, the last known business and home addresses; and (b) businesses or other organizations by name, address, and the identities of your contact persons at the business or organization.

D-4. "**Advertisement**" or "**Advertising**" or "**Ad**" means any written or verbal statement, illustration, or depiction that promotes the sale of a good or service or is designed to increase consumer interest in a brand, good, or service. Advertising media includes, but is not limited to: packaging and labeling; promotional materials; print; television; radio; and Internet, social media, and other digital content.

D-5. "**Endorsement**" shall mean any advertising message (including verbal statements, demonstrations, or depictions of the name, signature, likeness or other identifying personal characteristics of an individual or the name or seal of an organization) that consumers are likely to believe reflects the opinions, beliefs, findings, or experiences of a party other than the sponsoring advertiser, even if the views expressed by that party are identical to those of the sponsoring advertiser. The party whose opinions, beliefs, findings, or experience the message appears to reflect will be called the "endorser" and may be an individual, group, or institution.

INSTRUCTIONS

I-1. **Petitions to Limit or Quash**: You must file any petition to limit or quash this CID with the Secretary of the FTC no later than twenty (20) days after service of the CID, or, if the return date is less than twenty (20) days after service, prior to the return date. Such petition must set forth all assertions of protected status or other factual and legal objections to the CID and comply with the requirements set forth in 16 C.F.R. § 2.10(a)(1) – (2). **The FTC will not consider petitions to quash or limit if you have not previously met and conferred with FTC staff**

and, absent extraordinary circumstances, will consider only issues raised during the meet and confer process. 16 C.F.R. § 2.7(k); *see also* § 2.11(b). **If you file a petition to limit or quash, you must still timely respond to all requests that you do not seek to modify or set aside in your petition.** 15 U.S.C. § 57b-1(f); 16 C.F.R. § 2.10(b).

I-2. **Withholding Requested Material / Privilege Claims**: If you withhold from production any material responsive to this CID based on a claim of privilege, work product protection, statutory exemption, or any similar claim, you must assert the claim no later than the return date of this CID, and you must submit a detailed log, in a searchable electronic format, of the items withheld that identifies the basis for withholding the material and meets all the requirements set forth in 16 C.F.R. § 2.11(a) – (c). The information in the log must be of sufficient detail to enable FTC staff to assess the validity of the claim for each document, including attachments, without disclosing the protected information. If only some portion of any responsive material is privileged, you must submit all non-privileged portions of the material. Otherwise, produce all responsive information and material without redaction. 16 C.F.R. § 2.11(c). The failure to provide information sufficient to support a claim of protected status may result in denial of the claim. 16 C.F.R. § 2.11(a)(1).

I-3. **Modification of Specifications**: The Bureau Director, a Deputy Bureau Director, Associate Director, Regional Director, or Assistant Regional Director must agree in writing to any modifications of this CID. 16 C.F.R. § 2.7(l).

I-4. **Scope of Search**: This CID covers documents and information in your possession or under your actual or constructive custody or control, including documents and information in the possession, custody, or control of your attorneys, accountants, directors, officers, employees, service providers, and other agents and consultants, whether or not such documents or information were received from or disseminated to any person or entity.

I-5. **Identification of Responsive Documents**: For specifications requesting production of documents, you must identify in writing the documents that are responsive to the specification. Documents that may be responsive to more than one specification of this CID need not be produced more than once. If any documents responsive to this CID have been previously supplied to the FTC, you may identify the documents previously provided and the date of submission.

I-6. **Maintain Document Order**: You must produce documents in the order in which they appear in your files or as electronically stored. If documents are removed from their original folders, binders, covers, containers, or electronic source, you must specify the folder, binder, cover, container, or electronic media or file paths from which such documents came.

I-7. **Numbering of Documents**: You must number all documents in your submission with a unique identifier such as a bates number or a document ID.

I-8. **Production of Copies**: Unless otherwise stated, you may submit copies in lieu of original documents if they are true, correct, and complete copies of the originals and you preserve and retain the originals in their same state as of the time you received this CID.

Submission of copies constitutes a waiver of any claim as to the authenticity of the copies should the FTC introduce such copies as evidence in any legal proceeding.

I-9. **Production in Color**: You must produce copies of advertisements in color, and you must produce copies of other materials in color if necessary to interpret them or render them intelligible.

I-10. **Electronically Stored Information**: See the attached FTC Bureau of Consumer Protection Production Requirements ("Production Requirements"), which detail all requirements for the production of electronically stored information to the FTC. You must discuss issues relating to the production of electronically stored information with FTC staff **prior to** production.

I-11. **Sensitive Personally Identifiable Information ("Sensitive PII") or Sensitive Health Information ("SHI")**: If any materials responsive to this CID contain Sensitive PII or SHI, please contact FTC counsel before producing those materials to discuss whether there are steps you can take to minimize the amount of Sensitive PII or SHI you produce, and how to securely transmit such information to the FTC.

Sensitive PII includes an individual's Social Security number; an individual's biometric data (such as fingerprints or retina scans, but not photographs); and an individual's name, address, or phone number in combination with one or more of the following: date of birth, Social Security number, driver's license or state identification number (or foreign country equivalent), passport number, financial account number, credit card number, or debit card number. SHI includes medical records and other individually identifiable health information relating to the past, present, or future physical or mental health or conditions of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

I-12. **Interrogatory Responses**: For specifications requesting answers to written interrogatories, answer each interrogatory and each interrogatory subpart separately and fully, in writing, and under oath.

I-13. **Submission of Documents in Lieu of Interrogatory Answers**: You may answer any written interrogatory by submitting previously existing documents that contain the information requested in the interrogatory so long as you clearly indicate in each written interrogatory response which documents contain the responsive information. For any interrogatory that asks you to identify documents, you may, at your option, produce the documents responsive to the interrogatory so long as you clearly indicate the specific interrogatory to which such documents are responsive.

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

COMMISSIONERS: **Jon Leibowitz, Chairman**
Pamela Jones Harbour
William E. Kovacic
J. Thomas Rosch

RESOLUTION DIRECTING USE OF COMPULSORY PROCESS IN A NONPUBLIC INVESTIGATION OF UNNAMED PERSONS ENGAGED DIRECTLY OR INDIRECTLY IN THE ADVERTISING OR MARKETING OF DIETARY SUPPLEMENTS, FOODS, DRUGS, DEVICES, OR ANY OTHER PRODUCT OR SERVICE INTENDED TO PROVIDE A HEALTH BENEFIT OR TO AFFECT THE STRUCTURE OR FUNCTION OF THE BODY

File No. 0023191

Nature and Scope of Investigation:

To investigate whether unnamed persons, partnerships, or corporations, or others engaged directly or indirectly in the advertising or marketing of dietary supplements, foods, drugs, devices, or any other product or service intended to provide a health benefit or to affect the structure or function of the body have misrepresented or are misrepresenting the safety or efficacy of such products or services, and therefore have engaged or are engaging in unfair or deceptive acts or practices or in the making of false advertisements, in or affecting commerce, in violation of Sections 5 and 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45 and 52. The investigation is also to determine whether Commission action to obtain redress for injury to consumers or others would be in the public interest.

The Federal Trade Commission hereby resolves and directs that any and all compulsory processes available to it be used in connection with this investigation for a period not to exceed ten (10) years from the date of issuance of this resolution. The expiration of this ten (10) year period shall not limit or terminate the investigation or the legal effect of any compulsory process issued during the ten (10) year period. The Federal Trade Commission specifically authorizes the filing or continuation of actions to enforce any such compulsory process after expiration of the ten year period.

Authority to conduct investigation:

Sections 6, 9, 10, and 20 of the Federal Trade Commission Act, 15 U.S.C. §§ 46, 49, 50, and 57b-1, as amended; FTC Procedures and Rules of Practice, 16 C.F.R. § 1.1 et seq. and supplements thereto.

By direction of the Commission. Donald S. Clark

Donald S. Clark
Secretary

Issued: August 13, 2009

CERTIFICATION OF RECORDS OF REGULARLY CONDUCTED ACTIVITY
Pursuant to 28 U.S.C. § 1746

1. I, _____, have personal knowledge of the facts set forth below and am competent to testify as follows:

2. I have authority to certify the authenticity of the records produced by Redwood Scientific Technologies, Inc. (the "Company") and attached hereto.

3. The documents produced and attached hereto by the Company are originals or true copies of records of regularly conducted activity that:

   a) Were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;

   b) Were kept in the course of the regularly conducted activity of the Company; and

   c) Were made by the regularly conducted activity as a regular practice of the Company.

I certify under penalty of perjury that the foregoing is true and correct.

Date: _____ _____
Signature

Petition Exhibit 3:

Confirmation of FedEx Delivery to Redwood Scientific Technologies, Inc. (August 11, 2017)

IMPORTANT!
The impact of Hurricanes Maria, Irma, and Harvey continue to cause hazardous conditions. Learn More

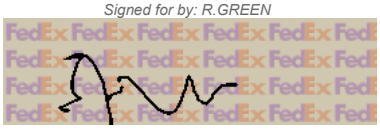
FedEx ® Tracking

779881918369

Ship date:
Wed 8/09/2017

Federal Trade Commission
Linda Hall
400 7th Street SW
Washington, DC US 20024
202 326-3450

Delivered
Signed for by: R.GREEN



Actual delivery:
Fri 8/11/2017 4:38 pm

Attn: Jason Cardiff,President & CEO
Redwood Scientific Technologies,Inc
250 W. 1st Street, Suite 310
CLAREMONT, CA US 91711
202 326-3450

Travel History

Date/Time	Activity	Location
- 8/11/2017 - Friday		
4:38 pm	Delivered	CLAREMONT, CA
4:20 pm	Address corrected	ONTARIO, CA
2:08 pm	Delivery exception Incorrect address - Recipient moved	ONTARIO, CA
8:18 am	On FedEx vehicle for delivery	ONTARIO, CA
7:29 am	At local FedEx facility	ONTARIO, CA
4:41 am	At destination sort facility	ONTARIO, CA
3:31 am	Departed FedEx location	MEMPHIS, TN
- 8/10/2017 - Thursday		
8:27 am	Arrived at FedEx location	MEMPHIS, TN
- 8/09/2017 - Wednesday		
8:55 pm	Left FedEx origin facility	WASHINGTON, DC
5:30 pm	Picked up	WASHINGTON, DC
11:00 am	Shipment information sent to FedEx	

Shipment Facts

Tracking number	779881918369	**Service**	FedEx 2Day
Weight	0.5 lbs / 0.23 kgs	**Signature services**	Direct signature required
Delivery attempts	1	**Delivered To**	Receptionist/Front Desk
Total pieces	1	**Total shipment weight**	0.5 lbs / 0.23 kgs
Terms	Not Available	**Purchase order number**	0612
Shipper reference	587732/1723116	**Packaging**	FedEx Envelope
Special handling section	Deliver Weekday, Direct Signature Required	**Standard transit**	8/11/2017 by 4:30 pm

Petition Exhibit 4

Correspondence between FTC staff attorneys and Tracy Green, outside counsel for Redwood Scientific Technologies, Inc. (September 11 - October 6, 2017)

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

Division of Advertising Practices

September 11, 2017

Tracy Green, Esquire
Green & Associates
800 West Sixth Street, Suite 450
Los Angeles, CA 90017

Via Federal Express

Dear Ms. Green –

I am writing about the Civil Investigative Demand issued by the Federal Trade Commission to your client, Redwood Scientific Technologies, on August 8, 2017.

To review, you telephoned me on August 15, 2017 to introduce yourself. You stated that you had been hired to represent Redwood in preparing its response to the CID, that you were familiar with the agency's CIDs from your previous work at the McDermott, Will & Emery law firm, and that you would email me with your contact information after that call. I never received that information.

On the morning of September 5, Elizabeth Sanger and I called and left messages reminding you that the CID response was due the next day. You then called Ms. Sanger and told her that you had previously sent a letter concerning the CID to the staff, although you did not specifically identify to whom that letter had been addressed. Ms. Sanger told you that we had not received a letter from you, confirmed that you have my contact information, and provided her email address; you said that you would resend the letter by email when you got to your office. To date, neither Ms. Sanger nor I have received any email from you.

On September 6, Ms. Sanger and I again called your office and asked to speak with you. Your assistant said you were not available, so we left our names and specifically mentioned that as of the close of business, the CID response would be overdue. We have not gotten a response by phone or email.

At this point, Red wood Scientific is in default of the CID. If you do not contact us by Thursday, September 14, we will assume that Redwood does not intend to comply with the CID

and will begin to take appropriate steps to enforce the CID in court. You can reach me at smodell@ftc.gov or 202-326-3116 or Ms. Sanger at esanger@ftc.gov or 202-326-2757.

Yours truly,

s/ Shira D. Modell

September 21, 2017

Via Federal Express
Jason Cardiff, CEO
Redwood Scientific Technologies, Inc.
250 W. 1st St, Suite 310
Claremont, CA 91711

Dear Mr. Cardiff –

I am writing to confirm whether Redwood Scientific continues to be represented by Tracy Green of Green & Associates in connection with the Federal Trade Commission's August 8, 2017 Civil Investigative Demand. FTC staff sent the attached letter to Ms. Green on Monday, September 11, 2017, requesting a reply by Thursday, September 14. To date, we have not heard from Ms. Green.

If Redwood continues to be represented by Ms. Green, please ask her to contact us by Tuesday, September 26 regarding the Civil Investigative Demand to Redwood. If Redwood is no longer represented by Ms. Green, please let us know by Tuesday, September 26 whether or not the company has retained new outside counsel.

Your outside or in-house counsel (or you, if Redwood no longer has either) can reach me at esanger@ftc.gov or 202-326-2757 or Shira Modell at smodell@ftc.gov or 202-326-3116.

Yours truly,

s/ Elizabeth Sanger
Attorney
Division of Advertising Practices

From: Tracy Green
To: esanger@ftc.com
Cc: Julie Woodhead; William Senior; Claudia Santos; Modell, Shira D.
Subject: Redwood Scientific
Date: Wednesday, September 27, 2017 4:26:07 PM

Dear Ms. Sanger and Ms. Modell,

Our firm and William (Bill) Senior of the firm of Benjamin England & Associates will be representing Redwood Scientific in its response to the FDA's Civil Investigative Demand.

I have been working with Redwood on responses to the interrogatories and the document requests and since it is a small company (18 full-time and 9 part-time employees) there has been staffing issues, Redwood needs an extension as follows:

October 4, 2017 (next Wednesday) for the first round of Redwood's Responses to Interrogatories and Document Requests and I will have them sent via Express Mail or FedEx and electronically.

October 12, 2017 for the second round of Redwood's Responses to Interrogatories and Document Requests; and

October 19, 2017 for the third round of Redwood's Responses to Interrogatories and Document Requests.

Redwood is working diligently and as it started on 2015 they have designated a couple of employees to work on this with me (for a percentage of their work schedule).

Please feel free to contact me with any questions or comments.

Yours truly,

Tracy Green
Sent from my iPhone
Please excuse brevity & autocorrect typos

Tracy Green
Green & Associates, Attorneys at Law
800 West Sixth Street, Suite 450
Los Angeles, California 90017
tgreen@greenassoc.com
Office: 213-233-2260
Direct Dial: 213-233-2261
Fax: 213.477.2260
Mobile: 310-710-6434

From: Tracy Green
To: Sanger, Elizabeth; wjsenior@fdaimports.com
Cc: Modell, Shira D.; Julie Woodhead; Claudia Santos
Subject: RE: Status of Redwood Scientific CID
Date: Friday, September 29, 2017 4:08:05 PM

Dear Ms. Sanger,

I am in a trial that resumes at 1:30 pm but that is a fair request and I will respond further this weekend and get you a response by Monday as set forth herein.

Yours very truly,

Tracy Green, Esq.
GREEN & ASSOCIATES|Attorneys at Law
800 West Sixth Street, Suite 450
Los Angeles, California 90017
Email: tgreen@greenassoc.com
Office: 213-233-2260
Facsimile: (213) 477-2260

Direct Dial: 213-233-2261
Mobile: 310-710-6434

Website: http://www.greenassoc.com

From: Sanger, Elizabeth [mailto:esanger@ftc.gov]
Sent: Friday, September 29, 2017 1:01 PM
To: wjsenior@fdaimports.com; Tracy Green
Cc: Modell, Shira D.; Julie Woodhead; Claudia Santos
Subject: Status of Redwood Scientific CID
Importance: High

September 29, 2017

Dear Ms. Green and Mr. Senior,

As you know, the deadline for Redwood Scientific to comply with the FTC's August 8, 2017 Civil Investigative Demand was September 6, 2017. Redwood did not comply with that deadline or, to our knowledge, even attempt to arrange a meet-and-confer or otherwise contact

us despite our repeated attempts to communicate with you. Consequently, Redwood is now in default.

We have now received your September 27, 2017 request for an extension. Because we are receiving this request well past the CID deadline, and without the meet-and-confer required under the FTC's Rules of Practice, *see* 16 C.F.R. § 2.7(k), we decline to formally modify the CID to extend the deadline.

Considering that Redwood is proposing to complete production in a short period over the next few weeks, however, we are willing to consider forbearing from referring this matter for enforcement, ***provided that***:

1. By close of business Monday, October 2, Redwood will submit a detailed proposal specifically listing which CID interrogatories and document requests will be submitted with each of the three proposed rolling production dates (October 4, October 12, and October 19);

2. No later than Wednesday, October 4, you will schedule and participate in a meet-and-confer with FTC staff to discuss the CID, your production proposal, and to provide reassurance to FTC staff that we will be able to reach you to resolve issues as they arise; ***and***

3. Redwood meets the deadlines you have now stated for full and complete production of the CID by October 19, 2017.

Please note that this letter does not modify the terms of the CID as issued by the Commission. Further, please be aware that a failure to meet any of the above-referenced production deadlines may result in a referral of this matter to the Commission's Office of General Counsel for enforcement in federal district court.

Please contact me at your earliest convenience to schedule a meet-and-confer. My email is esanger@ftc.gov* and my direct line is (202) 326-2757.

Sincerely,

Elizabeth Sanger

* Please be sure that you have my correct email address: the extension is ftc.gov, not ftc.com.

Green & Associates

800 West 6th Street, Suite 450
Los Angeles, CA 90017
Phone: 213.233.2260
Direct: 213.233.2261
Fax: 213.477.2260
tgreen@greenassoc.com

October 4, 2017

Via Email (esanger@ftc.gov)
Eleanor Sanger, Esq.
Federal Trade Commission
600 Pennsylvania Avenue
N-W Mail Drop CC-10528
Washington, D.C. 20580

Re: Redwood Industries – CID Meet and Confer and Extension Information

Dear Ms. Sanger:

I must ask that we move the October 4 initial date to October 5 due to an urgent situation. As for this week, the deadlines got jammed since a youngish (early 40s) criminal law and family law attorney Redacted PII who I mentored, was one of the victims in the Las Vegas shooting and I have been helping with issues on her solo law practice and addressing the clients and court issues and determining what needs to be done. I was stunned and being close to it was not only disturbing but a time disruption. In addition, I had the untimely death of a close family friend and attorney Redacted PII from Stage IV lung cancer, age 53 who never smoked and has young sons – one of whom is a friend and classmate of my middle son – whose funeral was Tuesday. In an understatement, what a week. It has been fairly upsetting to say the least.

I have the first phase of the production completed but it needs to be reviewed by the client and I was not able to meet them the past two days due to the sad, and shocking, shooting death and the expected but still disturbing funeral, but it can be reviewed and produced by October 5.

To begin, although the CID is dated August 8 it was not received by Redwood until on or about September 8. This was after it was due on September 6. At that point, the president of the company was out of state on vacation for a week. Redwood is not a large company (under 25 employees and there were scheduled vacations). In

addition, as a lot of the information is historical there was at least one key person in charge of that data and information who is no longer with the company so it needs to be assembled by individuals who were not in charge or involved in it in real time. Further, I was out of town on vacation and getting a son into his freshman year in college and the other into the senior year in high school. In addition, Redwood hired counsel who only handles FDA and FTC cases to supplement me and that took a few weeks and attorney Bill Senior has three work trips planned in October that we have to work around.

By the way, the time delays up have been caused by a couple of real factors and not due to anything else. Redwood and its officers take the CID very seriously and want to prepare and respond thoroughly. Redwood has made compliance changes the past year and has made more the past three months (before the CID was received).

Redwood takes this seriously and we need to review the responses and make sure it is as comprehensive as possible. In addition, I want to confer with co-counsel on these responses. Thus, the timing is not as delayed as one would surmise from the original August 8 service date and the extensions requested are not unreasonable since the deadline had passed by the time the CID was received.

On behalf of Redwood Scientific Technologies, Inc. (“Redwood”), here is information regarding the timing of its responses to the civil investigative demand (CID) served by the Federal Trade Commission (“FTC”) and the requested extensions.

The following is an itemized, response by response listing, and the due date by which Redwood can respond:

RESPONSE TO INTERROGATORY NO. 1: October 5, 2017

RESPONSE TO INTERROGATORY NO. 2: October 5, 2017

RESPONSE TO INTERROGATORY NO. 3: October 5, 2017

RESPONSE TO INTERROGATORY NO. 4: October 12, 2017

RESPONSE TO INTERROGATORY NO. 5: October 12, 2017

RESPONSE TO INTERROGATORY NO. 6: October 12, 2017

RESPONSE TO INTERROGATORY NO. 7: October 12, 2017

RESPONSE TO INTERROGATORY NO. 8: October 19, 2017

RESPONSE TO INTERROGATORY NO. 9: October 19, 2017

RESPONSE TO INTERROGATORY NO. 10: October 19, 2017

RESPONSE TO INTERROGATORY NO. 11: October 19, 2017

RESPONSE TO INTERROGATORY NO. 12: October 19, 2017

RESPONSE TO INTERROGATORY NO. 13: October 19, 2017

RESPONSE TO INTERROGATORY NO. 14: October 12, 2017

RESPONSE TO INTERROGATORY NO. 15: October 12, 2017

RESPONSE TO INTERROGATORY NO. 16: October 12, 2017

RESPONSE TO INTERROGATORY NO. 17: October 12, 2017

RESPONSE TO INTERROGATORY NO. 18: October 12, 2017

RESPONSE TO INTERROGATORY NO. 19: October 12, 2017

RESPONSE TO INTERROGATORY NO. 20: October 12, 2017

RESPONSE TO INTERROGATORY NO. 21: October 12, 2017

RESPONSE TO INTERROGATORY NO. 22: October 12, 2017

RESPONSE TO INTERROGATORY NO. 23: October 19, 2017

RESPONSE TO DOCUMENT REQUEST NO. 1: October 12, 2017

RESPONSE TO DOCUMENT REQUEST NO.2: October 19, 2017

RESPONSE TO DOCUMENT REQUEST NO. 3: October 19, 2017

RESPONSE TO DOCUMENT REQUEST NO. 4: October 19, 2017

RESPONSE TO DOCUMENT REQUEST NO. 5: October 19, 2017

RESPONSE TO DOCUMENT REQUEST NO. 6: October 19, 2017

RESPONSE TO DOCUMENT REQUEST NO. 7: October 19, 2017

RESPONSE TO DOCUMENT REQUEST NO. 8: October 19, 2017

RESPONSE TO DOCUMENT REQUEST NO. 9: October 19, 2017

RESPONSE TO DOCUMENT REQUEST NO. 10: October 19, 2017

RESPONSE TO DOCUMENT REQUEST NO. 11: October 19, 2017

RESPONSE TO DOCUMENT REQUEST NO. 12: October 19, 2017

RESPONSE TO DOCUMENT REQUEST NO. 13: October 19, 2017

RESPONSE TO DOCUMENT REQUEST NO. 14: October 19, 2017

RESPONSE TO DOCUMENT REQUEST NO. 15: October 19, 2017

RESPONSE TO DOCUMENT REQUEST NO. 16: October 19, 2017

In some of the categories of documents or interrogatories, there may not be any responsive pleadings or information but Redwood and I want to do a thorough and diligent search to ensure that there are no responsive records.

In other categories of information requested there may be difficulty in breaking the data down as requested without spending 200 to 500 hours of time. For example, for some information (separating chargebacks on each product) each customer order would need to be manually reviewed to obtain the breakdown on refunds for each product for each year since refunds and chargebacks may be lumped together. But Redwood and I are working on getting the data in the format you requested but it would initially be the entire amount of chargebacks for the company's few supplement products.

If there are any issues, I will contact you to see if the gross data will be sufficient or if the breakdown is needed and get an estimate of person hours needed.

Thank you for your professional courtesy. Should you have any questions regarding this letter, please feel free to contact me at (213) 233-2261.

Yours very truly,

GREEN & ASSOCIATES

Tracy Green, Esq.

Enclosures as noted.

cc: William Senior, Esq.
Redwood Industries, Inc.

From: Tracy Green
To: Sanger, Elizabeth; William Senior (wjsenior@fdaimports.com) (wjsenior@fdaimports.com); Modell, Shira D.
Cc: Claudia Santos; Julie Woodhead
Subject: RE: CID production 10/6
Date: Friday, October 06, 2017 6:53:04 PM

I'll get it over shortly May not be in next 8 minutes…but will be before I leave. Am checking on final version in DropBox since there were various versions. Triple checking. I'm thinking 4:30 my time. You'll be able to see on your phone …

Tracy Green, Esq.
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From: Sanger, Elizabeth [mailto:esanger@ftc.gov]
Sent: Friday, October 06, 2017 3:12 PM
To: Tracy Green; William Senior (wjsenior@fdaimports.com) (wjsenior@fdaimports.com); Modell, Shira D.
Cc: Claudia Santos; Julie Woodhead
Subject: CID production 10/6
Importance: High

Hi Tracy,
Just writing to check in. I'm still at the office and would like to confirm receipt of the CID materials per our phone conversation today before heading out at 7 pm Eastern (4 pm PST).
Thanks,
Liz

Elizabeth J. Sanger, J.D., M.P.H.

Federal Trade Commission
Bureau of Consumer Protection
Division of Advertising Practices
600 Pennsylvania Ave., NW
Mail Drop CC-10528
Washington, DC 20580
direct: (202) 326-2757
fax: (202) 326-3259
esanger@ftc.gov

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

FEDERAL TRADE COMMISSION, Petitioner, v. REDWOOD SCIENTIFIC TECHNOLOGIES, INC., Respondent.	Case No. 2:17-cv-7921 [PROPOSED] ORDER TO SHOW CAUSE

Petitioner, the Federal Trade Commission (FTC or Commission), under the authority conferred by Section 20 of the Federal Trade Commission Act, 15 U.S.C. § 57b-1 and Fed. R. Civ. P. 81(a)(5), has invoked the aid of this Court for an order requiring Respondent Redwood Scientific Technologies, Inc. to comply with a civil investigative demand (CID), issued to the company on August 3, 2017, in aid of an FTC law enforcement investigation.

The Court has considered the Federal Trade Commission's Petition for an Order Enforcing Civil Investigative Demand and the papers filed in support thereof; and, appearing to the Court that Petitioner has shown good cause for the entry of such order, it is by this Court hereby

ORDERED that Respondent Redwood Scientific Technologies, Inc. appear at _____ a.m./p.m. on the _____ day of _____, 2017, in Courtroom No. _____ of the United States Courthouse for the Central District of California, Western Division located at _____, Los Angeles, California, and show cause, if any there be, why this Court should

not grant said Petition and enter an Order enforcing the CID issued to Respondent. Such an Order would direct Respondent to produce, within ten (10) days of the date of the Order, all responsive documents and information. Unless the Court determines otherwise, notwithstanding the filing or pendency of any procedural or other motions, all issues raised by the Petition and supporting papers, and any opposition to the Petition, will be considered at the hearing on the Petition, and the allegations of said Petition shall be deemed admitted unless controverted by a specific factual showing; and

IT IS FURTHER ORDERED that, if Respondent believes it to be necessary for the Court to hear live testimony, it must file an affidavit reflecting such testimony (or if a proposed witness is not available to provide such an affidavit, a specific description of the witness's proposed testimony) and explain why Respondent believes that live testimony is required; and

IT IS FURTHER ORDERED that, if Respondent intends to file pleadings, affidavits, exhibits, motions or other papers in opposition to said Petition or to the entry of the Order requested therein, such papers must be filed with the Court and received by Petitioner's counsel on the _____ day of _____, 2017. Such submission shall include, in the case of any affidavits or exhibits not previously submitted, or objections not previously made to the Federal Trade Commission, an explanation as to why such objections were not made or such papers or information not submitted to the Commission. Any reply by Petitioner shall be filed with the Court and received by Respondent on the _____ day of _____, 2017; and

IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 81(a)(5) and 26(a)(1)(B)(v), this is a summary proceeding and no party shall be entitled to discovery without further order of the Court upon a specific showing of need; and that the dates for a hearing and the filing of papers established by this Order shall not be altered without prior order of the Court upon good cause shown; and

IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 81(a)(5) and

its advisory committee note (1946), a copy of this Order and copies of said Petition and exhibits filed therewith, shall be served forthwith by Petitioner upon Respondents or his counsel, using as expeditious means as practicable.

IT IS SO ORDERED:

DATED: _____

_____
UNITED STATES DISTRICT JUDGE