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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Federal Trade Commission,  
Petitioner,  
v.  
Kushly LLC,  
Respondent.

No. MC-20-00036-PHX-SMB  
**ORDER TO SHOW CAUSE**

Petitioner, the Federal Trade Commission (“FTC”), under the authority conferred by Section 20 of the FTC 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, Kushly, LLC, to comply with a civil investigative demand (“CID”), issued to it on May 6, 2020, in aid of an FTC law enforcement investigation.

The Court has considered the FTC’s Petition to Enforce Civil Investigative Demand and the papers filed in support thereof; and it appears to the Court that Petitioner has shown good cause for the entry of this Order.

**IT IS HEREBY ORDERED** that, within 10 days after entry of this Order, by **August 20, 2020**, Respondent shall (1) Produce forthwith to the Commission: (a) all non-privileged documents responsive to the Commission’s May 6, 2020 CID; (b) a privilege log listing all responsive documents withheld based upon a claim of privilege; (c) narrative responses to all interrogatories in the May 6, 2020 CID; and (d) sworn certifications as to the completeness of the production and interrogatory response;

1 OR (2) By that date, file and serve (by hand or electronically via email) on counsel for the  
2 Commission its response to the Commission's petition. As Respondent did not file a  
3 petition to limit or quash the May 6, 2020 CID, any response to the Commission must  
4 demonstrate good cause for the failure to raise such objections previously. Absent such  
5 good cause shown, no objections that could have been, but were not, raised in an  
6 administrative petition to quash shall be considered. Any reply by the Commission to an  
7 opposition filed by Respondent shall be filed with the Court and served (by hand or  
8 electronically via email) on counsel for Respondent. Such reply shall be filed and served  
9 no later than 7 days after service of Respondent's opposition.

10 **IT IS FURTHER ORDERED** that if Respondent files an opposition, Respondent  
11 shall appear by telephone on **September 4, 2020 at 9:00 a.m. (30 minutes allowed)** in  
12 Courtroom No. 506 of the United States Courthouse for the District of Arizona, Phoenix,  
13 Arizona, and show cause, if any there be, why this Court should not enter an order, subject  
14 to the penalty of contempt, directing them to comply with the Commission's May 6, 2020  
15 CID. Unless the Court determines otherwise, notwithstanding the filing or pending of any  
16 procedural or other motions, all issues raised by the petition and supporting papers, and  
17 any opposition to the petition will be considered at the hearing on the petition, and the  
18 allegations of said petition shall be deemed admitted unless controverted by a specific  
19 factual showing; and

20 **IT IS FURTHER ORDERED** that, pursuant to Fed. R. Civ. P. 81(a)(5) and  
21 26(a)(1)(B)(v), this is a summary proceeding and no party shall be entitled to discovery  
22 without further order of the Court upon a specific showing of need; and that the dates for a  
23 hearing and the filing of papers established by this Order shall not be altered without prior  
24 order of the Court upon good cause shown; and


25 **IT IS FURTHER ORDERED** that, pursuant to Fed. R. Civ. P. 81(a)(5) and its  
26 1946 Advisory Committee note, a copy of this Order and copies of said Petition and  
27 exhibits filed therewith, shall be served forthwith by Petitioner upon Respondent and/or its  
28 counsel, using as expeditious means as practicable.

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**IT IS FURTHER ORDERED** that counsel for the Federal Trade Commission may appear telephonically at the September 4, 2020 show cause hearing.

**IT IS FURTHER ORDERED** that the parties will receive dial-in instructions for connecting to the teleconference via electronic mail prior to the hearing.

Dated this 10th day of August, 2020.



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Honorable Susan M. Brnovich  
United States District Judge