

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**FEDERAL TRADE COMMISSION,**

Petitioner,

v.

**NEXWAY, INC.,**

Respondent.

Case No. 1:21-mc-00145 (TNM)

**ORDER**

Petitioner, the Federal Trade Commission (“Commission”), 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 Nexway to comply with a civil investigative demand (“CID”), issued to Respondent on January 28, 2020, in aid of a Commission law enforcement investigation. The Court has considered the Commission’s Petition to Enforce Civil Investigative Demand (“Petition”) and the papers filed in support thereof; and it appears to the Court that the Commission has shown good cause for the entry of this Order.

It is **ORDERED** that Nexway shall show cause why this Court should not enter an order that Nexway has waived any right to claim the attorney-client privilege related to any communications with or documents provided to Mr. Von Kroog produced to the FTC in response to the CID. In the alternative, Nexway shall show cause why this Court should not find that no attorney-client privilege applies, regardless of a possible waiver, to Nexway’s communications with Mr. Von Kroog.

Nexway shall file any pleadings, affidavits, exhibits, or motions in opposition to the Petition by January 5, 2022. The Commission shall file any reply by January 17, 2022. Unless

the Court determines otherwise, notwithstanding the filing or pending of any procedural or other motions, all issues raised by the Commission's Petition and supporting papers shall be deemed admitted unless controverted by a specific factual showing.

IT IS FURTHER **ORDERED** that, under 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; and that the dates for the filing of papers established by this Order shall not be altered without prior order of the Court.

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

**SO ORDERED.**

Dated: December 6, 2021

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TREVOR N. McFADDEN  
United States District Judge