

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

FEDERAL TRADE COMMISSION,

Petitioner,

v.

NEXWAY, INC.,

Respondent

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

**JOINT STIPULATION**

Petitioner Federal Trade Commission (“FTC”) through counsel, and Respondent Nexway, Inc. (“Respondent”) through counsel, subject to the approval of the Court, hereby stipulate and agree to the following:

WHEREAS, on November 24, 2021 the FTC filed a petition to enforce a civil investigative demand (“CID”) issued to Respondent on or about February 3, 2020, along with related documents, pursuant to Section 20 of the Federal Trade Commission Act, 15 U.S.C. Sections 57b-1(e), (h), DE-1-7, and the Court issued an Order to Show Cause on December 6, 2021, requiring Respondent to show cause why the attorney-client privilege had not been waived related to any communications with or documents provided to Mr. Oliver Von Kroog produced to the FTC by Nexway and Nexway’s counsel Moses and Singer, LLP in response to the CID, and why the attorney-client privilege applies to Respondent’s communications with Mr. Von Kroog; and

WHEREAS, Respondent produced materials, including lengthy narrative answers, in response to the CID and its follow up demands for information and documents, and later asserted that some of these documents might be subject to attorney-client privilege;

WHEREAS, the FTC asserts that these aforementioned materials are not subject to attorney-client privilege, and has filed the instant application seeking a determination to that effect;

WHEREAS, because the parties wish to resolve the instant application consensually,

THE PARTIES HEREBY AGREE AS FOLLOWS:

1. The Respondent hereby agrees to withdraw its claim of attorney-client privilege and stipulates that none of the documents, answers to Interrogatories, letters from Nexway's counsel Moses and Singer and any other information Nexway or its counsel Moses and Singer produced up to and including November 24, 2021 in response to the CID, or in response to the FTC's subsequent requests for information or documents in this investigation, are subject to attorney-client privilege.

2. The Respondent agrees that the FTC can use all of the aforementioned documents and information it has produced without any restrictions arising from any claim of attorney-client privilege.

3. A proposed Order approving the foregoing has been submitted along with the stipulation.

4. The FTC and Respondent jointly request the Court sign the Order.

Respectfully submitted:

Dated: s/Russell Deitch

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