

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 13-23437-MC-ROSENBAUM

FEDERAL TRADE COMMISSION,

Petitioner,

v.

NATIONAL PROCESSING CO., and
VANTIV, INC.,

Respondents.

**ORDER COMPELLING RESPONDENTS TO COMPLY WITH
FEDERAL TRADE COMMISSION'S CIVIL INVESTIGATIVE DEMANDS
OR TO SHOW CAUSE WHY THEY FAILED TO DO SO**

Pursuant to the authority conferred by Section 20 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §57b-1, Petitioner, the Federal Trade Commission ("Commission"), has invoked the aid of this Court, pursuant to Rule 81(a)(5), Fed. R. Civ. P., for an order requiring the Respondents, National Processing Co. ("NPC"), and Vantiv, Inc., to produce documents and to provide a narrative response to an interrogatory in compliance with separate Civil Investigative Demands ("CIDs") issued by the Commission to NPC and Vantiv on July 24, 2013, with an original return date of August 19, 2013. The return date was revised to September 13, 2013, following the Commission's denial of an administrative petition to quash the CIDs filed by NPC and Vantiv. The CIDs were issued in aid of an investigation concerning whether the conduct of NPC or Vantiv independently violated Section 5 of the FTC Act, 15 U.S.C. § 45, or the Commission's Telemarketing Sales Rule ("TSR"), 16 C.F.R. Part 310, through their processing of advance fees that consumers paid to telemarketers of credit card interest rate reduction services, the defendants in *FTC*

v. A+ Financial Center, LLC, et al., No. 12-CV-14373-DLG (S.D. Fla.).

The Court has considered the Commission's Petition for an Order enforcing its CIDs 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, therefore, **ORDERED** that, **within 10 days** of service of a copy of this Order, NPC and Vantiv shall (1) produce to the Commission: (a) all non-privileged documents responsive to the Commission's CIDs; (b) a privilege log listing all responsive documents withheld based upon a claim of privilege; (c) a narrative response to the single interrogatory in the CIDs; and (d) sworn certifications as to the completeness of the productions and interrogatory response, OR (2) file and serve on counsel for the Commission their response(s) to the Commission's petition. To the extent that NPC or Vantiv file oppositions in which they raise any objections not raised in their petition to quash, they must demonstrate good cause for their failure to raise such objections in their administrative petitions to quash the CIDs that were filed with and denied by the Commission as provided by 16 C.F.R. § 2.7. Absent such good cause shown, no objections beyond those contained in the Respondents' administrative petition to quash shall be considered. Any reply by the Commission to oppositions filed by NPC or Vantiv shall be filed with the Court and served on counsel for NPC and Vantiv. Such replies shall be filed and served **no later than 5 days** after service of the latter of any opposition by NPC or Vantiv.

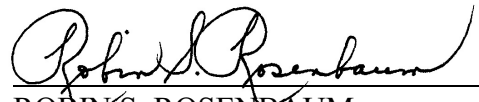
IT IS FURTHER ORDERED that each Respondent filing an opposition shall appear at the United States Federal Building and Courthouse, 299 East Broward Boulevard, Fort Lauderdale, Florida, Room 310-B, on **November 25, 2013**, at **9:45 a.m.**, and show cause why this Court should not enter an order, subject to the penalty of contempt, directing them to comply with the

Commission's CIDs. Unless the Court determines otherwise, notwithstanding the filing or pending 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 in the petition shall be deemed admitted unless controverted by a specific factual showing.

IT IS FURTHER ORDERED, pursuant to Rule 81(a)(5), Fed. R. Civ. P., that this is a summary proceeding and that no party shall be entitled to discovery without further order of the Court upon a specific showing of need; and 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, pursuant to Rule 81(a)(5), Fed. R. Civ. P., that a copy of this Order and copies of the Petition and all other papers filed herein (to the extent not previously served), shall be served forthwith upon NPC and Vantiv or their counsel by the Commission by personal service, by certified or registered mail return receipt requested, by overnight express delivery service, or if upon counsel, electronically via email.

DONE AND ORDERED in Fort Lauderdale, Florida, this 23rd day of October 2013.



ROBIN S. ROSENBAUM
UNITED STATES DISTRICT JUDGE

copies to:

Counsel of record