

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 FEDERAL TRADE COMMISSION,)
 4)
 5 Petitioner,)
 6 vs.)
 7 RALPH PAGLIA,)
 8 Respondent.)

Case No.: 2:14-cv-01480-GMN-CWH

ORDER

9
 10 Pending before the Court is the Petition for an Order Enforcing Civil Investigative
 11 Demands (ECF No. 1) filed by Petitioner Federal Trade Commission (FTC or Commission).
 12 Petitioner, pursuant to the authority conferred by Section 20 of the Federal Trade Commission
 13 Act, 15 U.S.C. § 57b-1, has invoked the aid of this Court, pursuant to Fed. R. Civ. P. 81(a)(5),
 14 for an order requiring Respondent, Ralph Paglia, to comply in full with the civil investigative
 15 demands (CIDs), issued to Respondent on May 2, 2014, and June 18, 2014, in aid of a law
 16 enforcement investigation being conducted by the Commission (FTC File No. 131-0206).

17 Congress has authorized the FTC to conduct investigations. *See* 15 U.S.C. § 57b-1(a)(1).
 18 In so doing, Congress has also authorized the FTC to issue requests for information from third
 19 parties, even if they are not the subject of the investigation. *See* 15 U.S.C. § 57b-1(c).
 20 Therefore, it is by that authority that the Court is enforcing Petitioner’s CIDs and providing
 21 U.S. Marshal Service to serve the Respondent with this Order.

22 The Court has considered the Petition of the Federal Trade Commission for an Order
 23 Enforcing Civil Investigative Demands and the papers and arguments in support thereof.
 24 However, Respondent did not file any opposition to the Petition and did not appear to the Show
 25 Cause Hearing on October 16, 2014 at 9:30AM. Therefore, the Court is unaware of any

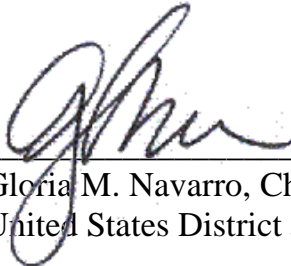
1 arguments in opposition to the Petition that Respondent may have.

2 **IT IS HEREBY ORDERED** that the Petition for an Order Enforcing Civil
3 Investigative Demands (ECF No. 1) is **GRANTED**. Respondent Ralph Paglia shall comply in
4 full with the Commission's CIDs—by producing all responsive documents and information
5 specified in the May 2 CID, and appearing and testifying under oath as directed by the June 18
6 CID—within fourteen (14) days of the receipt of this Order, or at such later time as may be
7 designated by the FTC staff.

8 **IT IS FURTHER ORDERED** that a copy of this Order and the civil investigative
9 demands, issued to Respondent on May 2, 2014, and June 18, 2014, be served by the U.S.
10 Marshals Service.

11 **DATED** this 28th day of October, 2014.

12
13
14
15
16
17
18
19
20
21
22
23
24
25



Gloria M. Navarro, Chief Judge
United States District Judge

PET. EXH. 3



CIVIL INVESTIGATIVE DEMAND

1. TO

Ralph Paglia
Automotive Media Partners LLC
2701 N. Rainbow Blvd., Ste. 2202
Las Vegas, NV 89108

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

Federal Trade Commission
Bureau of Competition
601 New Jersey Avenue, N.W.
Room - NJ-6255
Washington, D.C. 20001

YOUR APPEARANCE WILL BE BEFORE

Melissa Westman-Cherry

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.

DATE AND TIME THE DOCUMENTS MUST BE AVAILABLE

May 21, 2014

3. SUBJECT OF INVESTIGATION

AutoDealers, File No. 131-0206
See attached Commission Resolution

4. RECORDS CUSTODIAN/DEPUTY RECORDS CUSTODIAN

Geoffrey Green, Records Custodian

5. COMMISSION COUNSEL

Melissa Westman-Cherry (202) 326-2338

DATE ISSUED

5/2/14

COMMISSIONER'S SIGNATURE

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.

Form of Certificate of Compliance*

I/We do certify that all of the documents and information 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 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 such interrogatory or uncompleted portion 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.

**CIVIL INVESTIGATIVE DEMAND
ISSUED TO RALPH PAGLIA**

SCHEDULE

If you believe that any part of this Civil Investigative Demand ("CID") can be narrowed in any way that is consistent with the Commission's need for information and documents, you are encouraged to discuss such questions and possible modifications with the Commission representative identified in Instruction 13 of this CID. All modifications to this CID must be agreed to in writing.

SPECIFICATION OF INFORMATION AND DOCUMENTS TO BE PRODUCED

1. Submit all Documents related to the TrueCar National Dealer Council.
2. Submit all communications and correspondence between You and TrueCar.
3. Submit all Documents related to TrueCar Services, including, but not limited to:
 - a. the potential or actual effect of TrueCar Services on the retail price of automobiles;
 - b. any decision or consideration by an auto dealer to terminate its use of TrueCar Services;
 - c. correspondence between You and any state or federal government office;
 - d. correspondence between You and any local, state or national automobile trade association;
 - e. any document written by You, whether or not it was ever distributed to any other person;
 - f. any document referring or relating to any meeting between TrueCar and any Person;
 - g. any blog entry or comment on a blog entry written by You, including the date of the post or comment and the URL of the blog; and
 - h. any article, news clip, letter to the editor or other document written by You, whether or not it was ever published or distributed, the date of publication, if any, and the name of the publication.

4. For any blog identified in response to Specification 3.g, above, state your responsibilities, obligations and prerogatives, including but not limited to your ability to edit or delete posts and comments.
5. Identify:
 - a. the Person(s) responsible for preparing the response to this Request and submit a copy of all instructions prepared by the You relating to the steps taken to respond to this Request. Where oral instructions were given, Identify the Person who gave the instructions and describe the content of the instructions and the Person(s) to whom the instructions were given;
 - b. for each specification, the individual(s) who assisted in the preparation of the response, with a listing of the Persons (identified by name and corporate title or job description) whose files were searched by each;
 - c. any electronic production tools or software packages utilized in responding to this Request for: keyword searching, Technology Assisted Review, email threading, de-duplication, global de-duplication or near-de-duplication (please note that the use of all forms of de-duplication require advance approval from staff, see Instruction 4(c)); and
 - i. if You utilized keyword search terms to identify Documents and information responsive to this Request, provide a list of the search terms used for each custodian;
 - ii. if You utilized Technology Assisted Review software,
 1. describe the collection methodology, including: (a) how the software was utilized to identify responsive Documents; (b) the process You utilized to identify and validate the seed set Documents subject to manual review; (c) the total number of Documents reviewed manually; (d) the total number of Documents determined nonresponsive without manual review; (e) the process You used to determine and validate the accuracy of the automatic determinations of responsiveness and nonresponsiveness; (f) how You handled exceptions ("uncategorized Documents"); and (g) if Your Documents include foreign language Documents, whether reviewed manually or by some technology-assisted method; and
 2. provide all statistical analyses utilized or generated by You or Your agents related to the precision, recall, accuracy, validation or quality of its Document production in response to this Request; and

- iii. Identify the person(s) able to testify on Your behalf about information known or reasonably available to the organization, relating to its response to this Specification.
6. Submit documents sufficient to show and, to the extent not reflected in such documents, describe in detail Your policies, practices and procedures relating to the retention and destruction of documents.

DEFINITIONS

1. "Agreement," "contract," or "license" shall mean any oral, written, or implied contract, arrangement, understanding, or plan, whether formal or informal, between two or more persons, together with all modifications or amendments thereto.
2. "You" or "your" shall mean Mr. Paglia, his attorneys, agents, and representatives.
3. "And," as well as "or," shall be construed both conjunctively and disjunctively, as necessary, in order to bring within the scope of any Specification in the Schedule all information that otherwise might be construed to be outside the scope of the Specification.
4. "Any" shall be construed to include "all," and "all" shall be construed to include "any."
5. "Communication" shall mean any transmittal, exchange, transfer, or dissemination of information, regardless of the means by which it is accomplished, and includes all communications, whether written or oral, and all discussions, meetings, telephone communications, or email contacts.
6. "Discuss" or "Discussing" shall mean, in whole or in part, constituting, containing, describing, analyzing, explaining, or addressing the designated subject matter, regardless of the length of the treatment or detail of analysis of the subject matter, but not merely referring to the designated subject matter without elaboration. A Document that "discusses" another document includes the other document itself.
7. "Documents" shall mean all written, recorded, transcribed, or graphic matter of every type and description, however and by whomever prepared, produced, reproduced, disseminated, or made, including, but not limited to, analyses, letters, telegrams, memoranda, reports, bills, receipts, telexes, contracts, invoices, books, accounts, statements, studies, surveys, pamphlets, notes, charts, maps, plats, tabulations, graphs, tapes, video and audio recordings, data sheets, data processing cards, printouts, net sites, microfilm, indices, calendar or diary entries, manuals, guides, outlines, abstracts, histories, agendas, minutes or records of meetings, conferences, electronic mail, and telephone or other conversations or communications, as well as films, tapes, or slides,

and all other data compilations in Your possession, custody, or control, or to which You have access.

8. The term "**Documents**" includes the complete original document (or a copy thereof if the original is not available), all drafts (whether or not they resulted in a final document), and all copies that differ in any respect from the original, including any notation, underlining, marking, or information not on the original. The term "**other data compilations**" includes information stored in, or accessible through, computer or other information retrieval systems, together with instructions and all other material necessary to use or interpret such data compilations as set out in Attachment 1.2. If the name of the person or persons who prepared, reviewed, or received the document and the date of preparation, review, or receipt are not clear on the face of any document, such information should be provided separately. Documents shall be produced in accordance with the instructions set out in Attachment 1.2.
9. "**Documents sufficient to show**" and "**Documents sufficient to identify**" shall mean both documents that are necessary and documents that are sufficient to provide the specific information. If summaries, compilations, lists, or synopses are available that provide the information being requested, these may be provided in lieu of the underlying documents.
10. "**Each**" shall be construed to include "**every**," and "**every**" shall be construed to include "**each**."
11. "**Identify**" means to state:
 - a. in the case of a Person other than a natural person, its name and principal address, telephone number, and name, telephone number and electronic mail address of a contact person;
 - b. in the case of a natural person, his or her name, employer, business address and telephone number, title or position, and dates the person held that position(s);
 - c. in the case of a document, the title of the document, the author, the title or position of the author, the addressee, each recipient, the type of document, the subject matter, the date of preparation, and its number of pages; and
 - d. in the case of a communication, the date of the communication, the parties to the communication, the method of communication (oral, written, etc.), and a description of the substance of the information exchanged during the communication.

12. **"Person"** includes You, and shall mean any natural person, corporate entity, partnership, association, joint venture, governmental entity, trust, or any other organization or entity engaged in commerce.
13. **"Referring to," "relating to," "regarding" or "about"** shall mean, in whole or in part, constituting, containing, concerning, embodying, reflecting, discussing, explaining, describing, analyzing, identifying, stating, referring to, dealing with, or in any way pertaining to.
14. **"Technology Assisted Review"** shall mean any process that utilizes a computer algorithm to limit the number of potentially responsive documents subject to a manual review. A keyword search of documents with no further automated processing is not a Technology Assisted Review.
15. **"Third Party"** shall mean any Person other than You.
16. **"TrueCar"** shall mean TrueCar Inc., its directors, officers, trustees, employees, attorneys, agents, consultants, and representatives, its domestic and foreign parents, predecessors, divisions, subsidiaries, affiliates, partnerships and joint ventures, and the directors, officers, trustees, employees, attorneys, agents, consultants, and representatives of their domestic and foreign parents, predecessors, divisions, subsidiaries, affiliates, partnerships and joint ventures.
17. **"TrueCar Services"** shall mean the TrueCar Inc.'s information and technology platform that matches potential automobile purchasers with potential automobile sellers, and provides potential automobile purchasers with pricing (whether actual, estimated, or average) information about specific vehicles.

INSTRUCTIONS

The response to this CID shall be submitted in the following manner:

1. Unless otherwise indicated, each specification in this CID covers documents and information dated, generated, received, or in effect from January 1, 2011, to thirty days before the day when You provide the Commission with its final document submission, the executed certification form, and other compliance-related documents described in Instruction 12 ("Request Period"). You shall preserve documents responsive to the CID created or received after the Request Period until a Commission representative notifies You that the investigation has ended.
2. Except for privileged material, You will produce each responsive document in its entirety by including all attachments and all pages, regardless of whether they directly relate to the specified subject matter. You should submit any appendix, table, or other attachment by either attaching it to the responsive document or clearly marking it to indicate the

responsive document to which it corresponds. Except for privileged material, You will not redact, mask, cut, expunge, edit, or delete any responsive document or portion thereof in any manner.

3. Compliance with this CID requires a search of all documents in Your possession, custody, or control, without limitation, those documents held by any of the Your attorneys, agents or representatives, whether or not such documents are in Your possession. If any person is unwilling to have his or her files searched, or is unwilling to produce responsive documents, You must provide the Commission with the following information as to each such person: his or her name, address, telephone number, and relationship to You. In addition to hard copy documents, the search must include all of the Your Electronically Stored Information.
4. Form of Production. You shall submit all documents as instructed below absent written consent signed by the Assistant Director:
 - a. Documents stored in electronic or hard copy formats in the ordinary course of business shall be submitted in the following electronic format provided that such copies are true, correct, and complete copies of the original documents:
 - i. Submit Microsoft Excel, Access, and PowerPoint files in native format with extracted text and applicable metadata and information as described in subparts (a)(iii) and (a)(iv).
 - ii. Submit emails in image format with extracted text and the following metadata and information:

Metadata/Document Information	Description
Beginning Bates number	The beginning bates number of the document.
Ending Bates number	The last bates number of the document.
Custodian	The name of the original custodian of the file.
To	Recipient(s) of the email.
From	The person who authored the email.
CC	Person(s) copied on the email.
BCC	Person(s) blind copied on the email.
Subject	Subject line of the email.

Date Sent	Date the email was sent.
Time Sent	Time the email was sent.
Date Received	Date the email was received.
Time Received	Time the email was received.
Attachments	The Document ID of attachment(s).
Mail Folder Path	Location of email in personal folders, subfolders, deleted items or sent items.
Message ID	Microsoft Outlook Message ID or similar value in other message systems.

- iii. Submit email attachments in image format, or native format if the file is one of the types identified in subpart (a)(i), with extracted text and the following metadata and information:

Metadata/Document Information	Description
Beginning Bates number	The beginning bates number of the document.
Ending Bates number	The last bates number of the document.
Custodian	The name of the original custodian of the file.
Parent Email	The Document ID of the parent email.
Modified Date	The date the file was last changed and saved.
Modified Time	The time the file was last changed and saved.
Filename with extension	The name of the file including the extension denoting the application in which the file was created.
Production Link	Relative file path to production media of submitted native files. Example: FTC-001\NATIVE\001\FTC-00003090.xls.

Hash	The Secure Hash Algorithm (SHA) value for the original native file.
------	---

- iv. Submit all other electronic documents in image format, or native format if the file is one of the types identified in subpart (a)(i), accompanied by extracted text and the following metadata and information:

Metadata/Document Information	Description
Beginning Bates number	The beginning bates number of the document.
Ending Bates number	The last bates number of the document.
Custodian	The name of the original custodian of the file.
Modified Date	The date the file was last changed and saved.
Modified Time	The time the file was last changed and saved.
Filename with extension	The name of the file including the extension denoting the application in which the file was created.
Originating Path	File path of the file as it resided in its original environment.
Production Link	Relative file path to production media of submitted native files. Example: FTC-001\NATIVE\001\FTC-00003090.xls.
Hash	The Secure Hash Algorithm (SHA) value for the original native file.

- v. Submit documents stored in hard copy in image format accompanied by OCR with the following information:

Metadata/Document Information	Description
-------------------------------	-------------

Beginning Bates number	The beginning bates number of the document.
Ending Bates number	The last bates number of the document.
Custodian	The name of the original custodian of the file.

- vi. Submit redacted documents in PDF format accompanied by OCR with the metadata and information required by relevant document type in subparts (a)(i) through (a)(v) above. For example, if the redacted file was originally an attachment to an email, provide the metadata and information specified in subpart (a)(iii) above. Additionally, please provide a basis for each privilege claim as detailed in Instruction 6.
- b. Submit data compilations in electronic format, specifically Microsoft Excel spreadsheets or delimited text formats such as CSV files, with all underlying data un-redacted and all underlying formulas and algorithms intact.
- c. If You intend to utilize any de-duplication or email threading software or services when collecting or reviewing information that is stored in Your computer systems or electronic storage media, or Your computer systems contain or utilize such software, You must contact the Commission to determine, with the assistance of the appropriate Commission representative, whether and in what manner the You may use such software or services when producing materials in response to this CID.
- d. Produce electronic file and image submissions as follows:
 - i. For productions over 10 gigabytes, use IDE, EIDE, and SATA hard disk drives, formatted in Microsoft Windows-compatible, uncompressed data in a USB 2.0 external enclosure;
 - ii. For productions under 10 gigabytes, CD-R CD-ROM optical disks formatted to ISO 9660 specifications, DVD-ROM optical disks for Windows-compatible personal computers, and USB 2.0 Flash Drives are acceptable storage formats; and
 - iii. All documents produced in electronic format shall be scanned for and free of viruses prior to submission. The Commission will return any infected media for replacement, which may affect the timing of Your compliance with this CID.

- iv. Encryption of productions using NIST FIPS-compliant cryptographic hardware or software modules, with passwords sent under separate cover, is strongly encouraged.¹
 - e. Each production shall be submitted with a transmittal letter that includes the FTC matter number; production volume name; encryption method/software used; passwords for any password protected files; list of custodians and document identification number range for each; total number of documents; and a list of load file fields in the order in which they are organized in the load file.
5. All documents responsive to this CID:
- a. Shall be produced in complete form, unredacted unless privileged, and in the order in which they appear in Your files;
 - b. Shall be marked on each page with corporate identification and consecutive document control numbers when produced in image format;
 - c. Shall be produced in color where necessary to interpret the document (if the coloring of any document communicates any substantive information, or if black and white photocopying or conversion to TIFF format of any document (e.g., a chart or graph) makes any substantive information contained in the document unintelligible, You must submit the original document, a like-color photocopy, or a JPEG format image);
 - d. Shall be accompanied by Your affidavit stating that the copies are true, correct, and complete copies of the original documents; and
 - e. Shall be accompanied by an index that identifies (i) the name of each person from whom responsive documents are submitted; and (ii) the corresponding consecutive document control number(s) used to identify that person's documents. The Commission representative will provide a sample index upon request.
6. If You withhold any responsive document or mask or redact any portion of any responsive document based on a claim of privilege or work-product immunity, You must provide the Commission with a log describing the privilege claim and all facts supporting

¹ The National Institute of Standards and Technology (NIST) issued Federal Information Processing Standard (FIPS) Publications 140-1 and 140-2, which detail certified cryptographic modules for use by the U.S. Federal government and other regulated industries that collect, store, transfer, share, and disseminate sensitive but unclassified information. More information about FIPS 140-1 and 140-2 can be found at <http://csrc.nist.gov/publications/PubsFIPS.html>.

the claim sufficient to comply with Federal Trade Commission Rule of Practice § 2.8A. 16 C.F.R. § 2.8A. For each document withheld, masked, or redacted, the log shall list the following: (a) specific grounds for claim of privilege or immunity, (b) type of document, (c) title, (d) author(s), (e) date, (f) addressees and recipients of the original document or any copy thereof (including persons "cc'd" or "blind cc'd"), (g) a description of the subject matter, with sufficient detail to assess the claim of privilege, (h) a description identifying each attachment to the document, (i) the page length of the document, (j) the relevant specification(s), and (k) for redacted documents, the document control number (as described in Instruction 5). Additionally, for each document withheld under a claim of attorney work-product immunity, the log will list: (l) whether the document was prepared in anticipation of litigation or for trial, (m) the other parties or expected other parties to the litigation and whether that party is adverse, (n) case number, (o) complaint filing date, and (p) court name. For each person listed, the log will include the person's full name, address, job title, and employer or firm; for each third party recipient, include such additional description sufficient to show that individual's need to know the information contained in the document. Please denote all attorneys with an asterisk ("*").

The privilege log shall be submitted as a Microsoft Excel or other native file.

An attachment to a document must be entitled to privilege in its own right. If an attachment is responsive and not entitled to privilege in its own right, it must be provided. You must provide all non-privileged portions of any responsive document for which a claim of privilege is asserted, noting where redactions in the document have been made. With respect to documents withheld on grounds of privilege that discuss or describe any U.S. or foreign patent, each individual patent identified in the withheld document must be specified by its patent number.

7. Documents written in a language other than English shall be translated into English, with the English translation attached to the foreign language document.
8. Do not destroy or dispose of documents responsive to this CID, or any other documents relating to the subject matter of this CID. The destruction or disposal of such documents during the pendency of this investigation might constitute a felony in violation of 18 U.S.C. § 1505 and 18 U.S.C. § 1512.
9. Do not produce any Sensitive Personally Identifiable Information ("Sensitive PII") or Sensitive Health Information ("SHI") prior to discussing the information with a Commission representative. If any document responsive to a particular specification contains unresponsive Sensitive PII or SHI, redact the unresponsive Sensitive PII or SHI prior to producing the document. The term "Sensitive PII" means an individual's Social Security Number alone or an individual's name, address or phone number in combination with one or more of the following: date of birth; driver's license number or other state

identification number, or a foreign country equivalent; passport number; financial account number; or credit or debit card number. The term "SHI" includes medical records and other individually identifiable health information, whether on paper, in electronic form, or communicated orally. SHI relates to the past, present, or future physical or mental health or condition 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.

10. You will provide the Commission with the following: (a) a statement identifying the procedures used to search for Electronically Stored Information documents; and (b) a statement identifying the procedures used to search for documents stored in paper format, including for each document custodian, identification of individuals who provided information on the location of responsive documents.
11. You must comply with this CID by submitting all documents and information responsive to it on or before the dates identified in this CID. In addition, when it has completed production, You should also submit the executed and notarized certification form (attached). In order for Your response to this CID to be complete, the attached certification form must be executed by You, notarized, and submitted along with the responsive materials. You should submit responsive documents to Melissa Westman-Cherry, Federal Trade Commission, 601 New Jersey Avenue NW, Washington, DC 20003.
12. Compliance with this CID requires You to submit to the Commission, on or before the due dates indicated, all responsive documents, data, information and the following:
 - a. Executed and notarized certification form, which is included herewith;
 - b. Privilege Log according to Instruction 6, if any responsive documents are withheld or redacted;
 - c. List of any persons (by name, address, telephone number, and relationship to You) whose files have not been searched according to Instruction 3;
 - d. For each document submitted, information sufficient to identify the name of the person from whose files the document was obtained (document custodian), according to Instruction 5; and
 - e. Statement of the procedures used by You to comply with this CID, according to Instruction 10.
13. If You believe that this CID's specifications can be narrowed consistent with the Commission's need for information, we encourage it to discuss possible modifications with a Commission representative at the earliest possible date. Note that an authorized

File No. 131-0206

Commission representative, the Assistant Director, must agree in writing to any modifications to this CID. All inquiries about this CID and modification requests should be directed to Melissa Westman-Cherry, Staff Attorney, at (202) 326-2338.

CERTIFICATION BY RALPH PAGLIA

The response to this Civil Investigative Demand, together with any and all appendices and attachments thereto, was prepared and assembled under my supervision in accordance with instructions issued by the Federal Trade Commission. Subject to the recognition that, where so indicated, reasonable estimates have been made because books and records do not provide the required information, the information is, to the best of my knowledge, true, correct, and complete.

Where copies rather than original documents have been submitted, the copies are true, correct, and complete. If the Commission uses such copies in any court or administrative proceeding, You will not object on the basis that the Commission has not offered the original document.

(Type or Print Signature)

Subscribed and sworn to before me at the City of _____

State of _____, this _____ day of _____, 20____

(Notary Public)

My commission expires: _____

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman
Julie Brill
Maureen K. Ohlhausen
Joshua D. Wright

RESOLUTION AUTHORIZING USE OF
COMPULSORY PROCESS IN NONPUBLIC INVESTIGATION

FILE NO. 131 0206

Nature and Scope of Investigation:

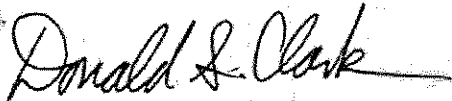
To determine whether firms in the retail automobile industry, including automobile dealers and industry consultants, may be engaging in, or may have engaged in, conduct violating Section 5 of the Federal Trade Commission Act, 15 U.S.C. §45, as amended, by agreeing to restrain competition, including by agreeing to refuse to deal with TrueCar, Inc.

The Federal Trade Commission hereby resolves and directs that any and all compulsory processes available to it be used in connection with this investigation.

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
Secretary

Issued: January 17, 2014

PET. EXH. 4



CIVIL INVESTIGATIVE DEMAND
Oral Testimony

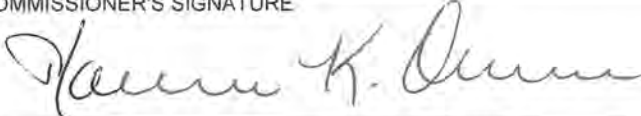
1. TO Ralph Paglia Automotive Media Partners LLC 2701 N. Rainbow Blvd., Ste. 2202 Las Vegas, NV 89108	2. FROM <p align="center">UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
---	--

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 6.

3. LOCATION OF HEARING Office of the United States Attorney 333 Las Vegas Boulevard South, Suite 5000 Las Vegas, Nevada 89101	4. YOUR APPEARANCE WILL BE BEFORE Melissa Westman-Cherry <hr/> 5. DATE AND TIME OF HEARING July 10, 2014, at 10 am
--	---

6. SUBJECT OF INVESTIGATION AutoDealers, File No. 131-0206 See attached Commission Resolution

7. RECORDS CUSTODIAN/DEPUTY CUSTODIAN Geoffrey Green, Assistant Director	8. COMMISSION COUNSEL Melissa Westman-Cherry
---	---

DATE ISSUED <i>6/18/14</i>	COMMISSIONER'S SIGNATURE 
-----------------------------------	--

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. 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 8.

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.

Form of Certificate of Compliance*

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

If an interrogatory or a portion of the request has not been fully answered or portion of the report has not been completed the objection to such interrogatory or uncompleted portion and the reasons for the objection have been stated.

Signature _____

Title _____

Sworn to before me this day

Notary Public

*In the event that more than one person is responsible for answering the interrogatories or preparing the report, the certificate shall identify the interrogatories or portion of the report 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.

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

COMMISSIONERS: **Edith Ramirez, Chairwoman**
 Julie Brill
 Maureen K. Ohlhausen
 Joshua D. Wright

**RESOLUTION AUTHORIZING USE OF
COMPULSORY PROCESS IN NONPUBLIC INVESTIGATION**

FILE NO. 131 0206

Nature and Scope of Investigation:

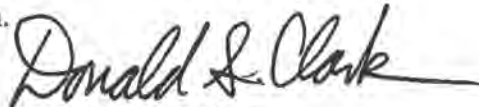
To determine whether firms in the retail automobile industry, including automobile dealers and industry consultants, may be engaging in, or may have engaged in, conduct violating Section 5 of the Federal Trade Commission Act, 15 U.S.C. §45, as amended, by agreeing to restrain competition, including by agreeing to refuse to deal with TrueCar, Inc.

The Federal Trade Commission hereby resolves and directs that any and all compulsory processes available to it be used in connection with this investigation.

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
Secretary

Issued: January 17, 2014