

Cap. USA
Part 2

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION,

Petitioner,

v.

THE WESTERN UNION COMPANY,

and

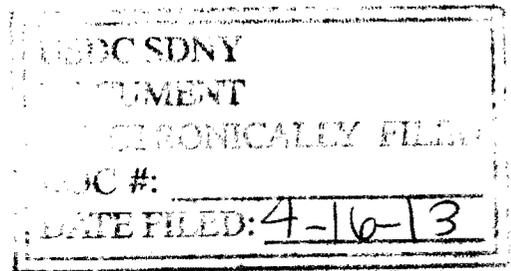
LONNIE KEENE, MONITOR, STATE OF
ARIZONA v. WESTERN UNION
FINANCIAL SERVICES, INC., KEENE
CONSULTING ARIZONA, LLC,

Respondents.

13 MISC 01311

Misc. No.

(Nature of Case M 18-304:
Administrative Subpoena Proceedings)



ORDER TO SHOW CAUSE

Pursuant to the authority conferred by Section 20 of the Federal Trade Commission Act, 15 U.S.C. § 57b-1, Petitioner, the Federal Trade Commission, has invoked the aid of this Court, pursuant to Fed. R. Civ. P. 81(a)(5), for an order requiring Respondents The Western Union Company (Western Union) and Lonnie Keene, Keene Consulting Arizona, LLC, Monitor, *State of Arizona v. Western Union Financial Services, Inc.*, No. CV 2010-5807 (Ariz. Super. Ct. Maricopa Cnty. Feb. 24, 2010) (Monitor), to comply in full with the civil investigative demands issued them in aid of a law enforcement investigation being conducted by the Commission (FTC File No. 122 3208).

The Court has considered the Commission's Petition for an Order Enforcing Civil Investigative Demands Issued in Furtherance of a Law Enforcement Investigation 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 by this Court hereby

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ORDERED that Respondents Western Union and the Monitor appear at 10 a.m. on the 73 day of April 2013, in Courtroom No. 22 B of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, N.Y., 10007-1312, and show cause, if any there be, why this Court should not grant said Petition and enter an Order enforcing the civil investigative demands issued to the Respondents and directing them to produce, within ten (10) days of the date of the Order, all responsive documents and information in compliance with the civil investigative demands and without any redactions, except those redactions for which Respondents have claimed a privilege or for which they have sought and received the Commission's prior authorization. Unless the Court determines otherwise, notwithstanding the filing or pendency 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 of said Petition shall be deemed admitted unless controverted by a specific factual showing.

IT IS FURTHER ORDERED that, if any Respondent believes it necessary for the Court to hear live testimony, it must file an affidavit reflecting such testimony (or if a proposed witness is not available to provide such an affidavit, a specific description of the witness's proposed testimony) and explain why the Respondent believes live testimony is required.

IT IS FURTHER ORDERED that, if any Respondent intends to file pleadings, affidavits, exhibits, motions or other papers in opposition to said Petition or to the entry of the Order requested therein, such papers must be filed with the Court and received by Petitioner's counsel

on the 19th day of April, 2013. Such submission shall include, in the case of any affidavits or exhibits not previously submitted, or objections not previously made to the Federal Trade Commission, an explanation as to why such objections were not made or such papers or information not submitted to the Commission. Any reply by Petitioner shall be filed with the Court and received by Respondents on the 22 day of April, 2013.

IT IS FURTHER ORDERED, pursuant to Fed. R. Civ. P. 26(a)(1)(B)(v) and 81(a)(5), 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 that 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 Fed. R. Civ. P. 81(a)(5), that a certified copy of this Order and copies of said Petition and Memorandum in support thereof filed herein, be served forthwith by Petitioner upon Respondents or their counsel by personal service, or by certified or registered mail with return receipt requested, or by overnight express delivery service.

SO ORDERED:

Thomas P. Greese
United States District Judge

Dated: April 15, 2013, New York, N.Y.