

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION



COMMISSIONERS: Joseph J. Simons, Chairman
Noah Joshua Phillips
Rohit Chopra
Rebecca Kelly Slaughter
Christine S. Wilson

In the Matter of

RagingWire Data Centers, Inc.,
a corporation,

Respondent.

PUBLIC

Docket No. 9386

CONSENT MOTION TO LIFT STAY AND AMEND THE COMPLAINT TO
SUBSTITUTE THE NAME OF RESPONDENT

For purposes of facilitating settlement and preserving resources, Complaint Counsel and Respondent RagingWire Data Centers, Inc. ("RagingWire") respectfully request the Commission to lift temporarily the stay in the above-captioned proceedings, entered on March 19, 2020, for the limited purpose of amending the Complaint under Rule 3.15 of the Commission Rules of Practice to substitute the name of Respondent.¹ The parties have agreed that NTT Global Data Centers Americas, Inc., as successor in interest to RagingWire, should be substituted into the action as Respondent in place of RagingWire. Once this substitution is complete and there is a new caption, the parties anticipate being able to move quickly to withdraw the matter from adjudication for consideration of a settlement. Acting now, rather than after the conclusion of the 30-day stay, will preserve party resources as well as those of third-party subpoena recipients,

¹ While consent motions to substitute a successor in interest for a Respondent are routinely granted by the Administrative Law Judge, see *In re POM Wonderful et al.*, Dkt. No. 9344 (Mar. 22, 2011), available at <https://www.ftc.gov/sites/default/files/documents/cases/2011/03/110322aljordgrantmosubrollobal.pdf>, the current Commission-ordered stay of proceedings appears to curtail the ALJ's authority to do so during the pendency of the stay.

a number of which have indicated that they intend to use the time afforded by the stay to respond to their subpoenas. Complaint Counsel, with the consent of Respondent's Counsel,² respectfully request that the Commission enter the proposed order.

Dated: April 2, 2020

Respectfully submitted,

/s/ Linda Holleran Kopp

Linda Holleran Kopp
Robin L. Wetherill
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Complaint Counsel

² Respondent's Counsel also represents NTT Global Data Centers Americas, Inc. for purposes of this action.

STATEMENT REGARDING MEET AND CONFER

On March 23, 2020 and March 31, 2020, Complaint Counsel Linda Holleran Kopp and Counsel for Respondent Corey Roush communicated by email and by phone, and agreed to substitute NTT Global Data Centers America, Inc., as successor in interest to RagingWire Data Centers, Inc., as a Respondent *In the Matter of RagingWire Data Centers, Inc.*, Docket No. 9386. The corporate filing effectuating the change in corporate status was filed by Respondent on March 30, 2020.

Dated: April 2, 2020

Respectfully submitted,

/s/ Linda Holleran Kopp
Linda Holleran Kopp
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Complaint Counsel

**UNITED STATES OF AMERICA
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 Christine S. Wilson

<p>In the Matter of</p> <p>RagingWire Data Centers, Inc., a corporation,</p> <p>Respondent.</p>

PUBLIC
Docket No. 9386

**[PROPOSED] ORDER GRANTING CONSENT MOTION TO LIFT STAY AND
AMEND THE COMPLAINT TO SUBSTITUTE THE NAME OF RESPONDENT**

Upon consideration of the agreement of the parties, and it otherwise appearing proper to do so, the Consent Motion to Lift Stay and Amend the Complaint to Substitute the Name of Respondent is GRANTED.

IT IS HEREBY ORDERED that the stay in the above-captioned action is lifted for the sole purpose of amending the Complaint to substitute the name of Respondent.

IT IS FURTHER ORDERED that the Complaint is amended to substitute NTT Global Data Centers Americas, Inc., as successor in interest to RagingWire Data Centers, Inc., into the action as a Respondent in place of RagingWire Data Centers, Inc..

IT IS FURTHER ORDERED that the case caption read:

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Joseph J. Simons, Chairman**
 Noah Joshua Phillips
 Rohit Chopra
 Rebecca Kelly Slaughter
 Christine S. Wilson

_____)
In the Matter of)
)
 NTT GLOBAL DATA CENTERS)
 AMERICAS, INC., as successor in)
 interest to RagingWire Data Centers, Inc.) **DOCKET NO. 9386**
 a corporation.)
)
)
_____)

By the Commission.

April J. Tabor
Acting Secretary

SEAL:
ISSUED:

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2020, I caused the foregoing document to be filed electronically through the Office of the Secretary's FTC E-filing system, which will send notification of such filing to:

April S. Tabor
Acting Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm.
H-113 Washington, DC 20580

I also certify that I caused a copy of the foregoing document to be transmitted via electronic mail to:

The Honorable D. Michael
Chappell Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm.
H-110 Washington, DC 20580

I further certify that I caused a copy of the foregoing document to be served via electronic mail to:

Corey W. Roush
C. Fairley Spillman
Diana E. Schaffner
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Counsel for Respondent RagingWire Data Centers, Inc.

April 2, 2020

By: /s/ Linda Holleran Kopp
Linda Holleran Kopp
Federal Trade Commission
Bureau of Consumer Protection

Notice of Electronic Service

I hereby certify that on April 02, 2020, I filed an electronic copy of the foregoing Consent Motion to Lift Stay and Substitute Name of Respondent, with:

D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., NW
Suite 110
Washington, DC, 20580

Donald Clark
600 Pennsylvania Ave., NW
Suite 172
Washington, DC, 20580

I hereby certify that on April 02, 2020, I served via E-Service an electronic copy of the foregoing Consent Motion to Lift Stay and Substitute Name of Respondent, upon:

Linda Kopp
Federal Trade Commission
lkopp@ftc.gov
Complaint

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Complaint

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