

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

<hr/>)
FEDERAL TRADE COMMISSION,)
)
Petitioner,)
)
v.)
	Misc. No. 2:18mc20)
)
MONSHAY SWAIN,)
DAMILARE ADEBAYO,)
GIO-CRYSTAL, LLC, and)
EBDM LLC,)
)
Respondents.)
<hr/>)

**FEDERAL TRADE COMMISSION’S PETITION TO ENFORCE
CIVIL INVESTIGATIVE DEMAND**

Pursuant to Section 20 of the Federal Trade Commission Act (FTC Act), 15 U.S.C. § 57b-1, the Federal Trade Commission (FTC or Commission) petitions this Court for an order to show cause, thereby initiating a proceeding to enforce four Civil Investigative Demands (CIDs) issued to Respondents Monshay Swain, Damilare Adebayo, Gio-Crystal, LLC, and EBDM LLC.¹ The CIDs seek documents and information relevant to an ongoing FTC law enforcement investigation to determine whether Respondents or related individuals or entities may have engaged in unfair or deceptive acts or practices, in violation of Section 5 of the FTC Act, 15 U.S.C. § 45. Specifically, the responses to the CIDs will help the FTC to determine if

¹ This is a summary proceeding that is properly instituted by a petition and order to show cause (rather than a complaint and summons). *EEOC v. American Target Advertising, Inc.*, 257 F.3d 348, 353 (4th Cir. 2001) (commenced with petition and “designed to be summary in nature”); *EEOC v. Maryland Cup Corp.*, 785 F.2d 471, 475 (4th Cir. 1986) (commenced with petition and order to show cause). This Court has previously used such procedures in FTC CID enforcement proceedings in this Court. *See FTC v. Indivior, Inc.*, 3:14-mc-00005-REP (E.D.Va., filed Aug. 8, 2014).

Respondents may have been acting as “money mules,” receiving the proceeds of fraudulent or other unlawful conduct and then transferring it to others, with corresponding profit to themselves. The Court should enforce the CIDs because, to date, Respondents have not produced any of the requested documents or information.

In support of the allegations of this Petition, the FTC offers the Declaration of John D. Jacobs, which is attached hereto as Petition Exhibit (“Pet. Ex.”) 1. Additional exhibits are as follows:

- Pet. Ex. 2 Civil Investigative Demand to Monshay Swain (Jan. 25, 2018);
- Pet. Ex. 3 Civil Investigative Demand to Damilare Adebayo (Jan. 25, 2018);
- Pet. Ex. 4 Civil Investigative Demand to Gio-Crystal, LLC (Jan. 25, 2018);
- Pet. Ex. 5 Civil Investigative Demand to EBDM LLC (Jan. 25, 2018);
- Pet. Ex. 6 FedEx Delivery Confirmations for CIDs (Feb. 1, 2018; Feb. 12, 2018);
- Pet. Ex. 7 Letters from Dominique Alepin to Monshay Swain (Mar. 6, 2018; Mar. 7, 2018);
- Pet. Ex. 8 Letters from Dominique Alepin to Damilare Adebayo (Mar. 6, 2018; Mar. 7, 2018); and
- Pet. Ex. 9 FedEx Delivery Confirmations for March 6, 2018, Letters.

Jurisdiction and Venue

1. This Court has jurisdiction to enforce the FTC’s duly issued CIDs under Sections 20(e) and (h) of the FTC Act, 15 U.S.C. § 57b-1(e) and (h). The Court also has jurisdiction under 28 U.S.C. §§ 1331, 1337(a), and 1345.

2. Venue is proper in this judicial district under Section 20(e) of the FTC Act, 15 U.S.C. § 57b-1(e), because Respondents reside, are found, or transact business here. Pet. Ex. 1, ¶¶ 3-6.² Venue is also proper under 28 U.S.C. § 1391.

The Parties

3. The FTC is an administrative agency of the United States government, organized and existing pursuant to the FTC Act, 15 U.S.C. § 41. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), authorizes the FTC to “prevent . . . unfair or deceptive acts or practices in or affecting commerce.”

4. The FTC Act empowers the agency to investigate potential violations of the FTC Act. Sections 3 and 6(a) of the Act, 15 U.S.C. §§ 43, 46(a), authorize the Commission to conduct investigations nationwide and to gather information on any “person, partnership, or corporation.” 15 U.S.C. §§ 43, 46(a). Section 20(c) of the Act, 15 U.S.C. § 57b-1(c), further authorizes the Commission to issue CIDs requiring the recipients to produce documents, prepare answers to interrogatories, and provide oral testimony under oath.

5. Monshay Swain and Damilare Adebayo are individuals who reside or transact business in Norfolk, Virginia. Pet. Ex. 1, ¶ 3.

6. Gio-Crystal, LLC is a Virginia limited liability company with its principal office in Norfolk, Virginia. The Articles of Organization for Gio-Crystal, LLC state that Swain is the company’s registered agent and organizer. This document does not identify any additional members, managers, or employees. Articles of Organization for Gio-Crystal, LLC previously filed in Maryland listed Adebayo as the resident agent and owner, respectively. This document

² Citations are to paragraph numbers where available or to page numbers in exhibit footers.

does not identify any additional members, managers, or employees. Adebayo has publicly identified himself as Gio-Crystal’s “Chief Operating Officer.” Pet. Ex. 1, ¶ 4.

7. EBDM LLC is a Virginia limited liability company with its principal office in Norfolk, Virginia. Virginia State Corporation Commission documents for EBDM state that Swain is the company’s registered agent. These documents do not identify any additional members, managers, or employees. Pet. Ex. 1, ¶ 5.

The Investigation and Respondents’ Noncompliance

8. In 2017, the FTC received information indicating that Respondents may have been receiving the proceeds of potentially unlawful practices targeting individual consumers.³ This information indicated that Respondents, after receiving the proceeds of “unfair or deceptive acts or practices” in violation of the FTC Act, may have transferred portions of such funds to third parties, often overseas. In response, the FTC opened an investigation to determine whether Respondents or related persons or entities may have engaged in unfair or deceptive acts or practices, in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and whether an action to obtain monetary equitable relief for consumers would be in the public interest. Pet. Ex. 1, ¶¶ 1, 7.

9. On January 25, 2018, the Commission issued four CIDs – one to each of Respondents – under the authority of omnibus FTC Resolution 9923259. The Resolution authorizes the use of compulsory process, including CIDs,

³ The underlying practices included “business email compromise schemes” and “romance scams.” As an example of a “business email compromise scheme,” the accountant of a small business receives an email that purports to be from the business owner directing the accountant to transfer money to a specific account. In fact, the owner’s email had been hacked, the owner never authorized the payment, and, after the accountant made the transfer as directed, the money was quickly transferred out of the recipient’s account. A “romance scam” typically involves individuals who are tricked into sending payments to other individuals who purport to be their romantic partners. These deceptive practices can be combined in ways that make tracing these payments difficult.

[t]o determine whether unnamed persons, partnerships or corporations have been or are engaged in the deceptive or unfair use of e-mail, metatags, computer code or programs, or deceptive or unfair practices involving Internet-related goods or services, in violation of Sections 5 or 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45, 52, as amended.

See, e.g., Pet. Ex. 2 at 14; Pet. Ex. 3 at 14.

10. The FTC issued the CIDs in accordance with the procedures set forth in the FTC Act and the corresponding Rules of Practice. *See* 15 U.S.C. § 57b-1(c)(2), (c)(3), (c)(6), (c)(7), (i) and 16 C.F.R. §§ 2.6, 2.7(a), (b). Pet. Ex. 1, ¶ 9.

11. The CIDs issued to Swain and Adebayo were virtually identical in substance. They required the recipients to produce five categories of documents by February 27, 2018. Pet. Ex. 2 at 7-8; Pet. Ex. 3 at 7-8. They also directed the recipients to appear and give oral testimony in an investigational hearing on March 13, 2018, in Norfolk, Virginia. Pet. Ex. 2 at 3; Pet. Ex. 3 at 3.

12. The CIDs issued to Gio-Crystal, LLC and EBDM LLC were virtually identical in substance. They required the recipients to produce seven categories of documents by February 27, 2018. Pet. Ex. 4 at 6-8; Pet. Ex. 5 at 6-8. These CIDs did not include a request for testimony.

13. The documents and information demanded in the CIDs require routine information relating to Respondents' finances and business structure. They also request detailed information about their receipt and transmission of funds and their communications with those individuals and entities who may have sent or received such funds. The documents and information sought are important to the FTC's investigation because they are likely to uncover the names of potential witnesses and assist the FTC in determining whether Respondents may have participated in unfair or deceptive practices in violation of the FTC Act. Pet. Ex. 1, ¶¶ 12, 15.

14. The CIDs issued to Swain and Adebayo were served on February 1, 2018, by FedEx delivery to an address known to be their residence or principal office or place of business in Norfolk, Virginia. Pet. Ex. 1, ¶ 13; Pet. Ex. 6 at 1-4; *see also* 15 U.S.C. § 57b-1(c)(9) (permitting service of a CID upon a natural person by delivering a copy to the person or mailing to “his residence or principal office or place of business”). The CID issued to Gio-Crystal, LLC was served on February 1, 2018, by FedEx delivery to its principal office in Norfolk, Virginia. Pet. Ex. 1, ¶ 16; Pet. Ex. 6 at 5-6; *see also* 15 U.S.C. § 57b-1(c)(8)(B) (permitting service of a CID upon a corporation by delivering a copy to the “principal office or place of business”). The CID issued to EBDM LLC was initially returned as undeliverable, but on February 12, 2018, FedEx delivered it to Swain, EBDM’s registered agent, at her address in Norfolk, Virginia. Pet. Ex. 1, ¶ 17; Pet. Ex. 6 at 7-8; *see also* 15 U.S.C. § 57b-1(c)(8)(A) (permitting service of a CID upon a corporation by delivering a copy to the corporation’s “agent”).

15. During a February 12, 2018, telephone call with FTC staff, Swain acknowledged that she had received her CID as well as the one and the one sent to EBDM LLC. Swain also told staff that Adebayo was aware of the CIDs, but that he was not willing to speak by phone. Pet. Ex. 1, ¶¶ 18-19.

16. Despite multiple phone calls and letters from FTC staff, the FTC has not received any other communications from Respondents. On March 13, 2018, Swain and Adebayo failed to appear for investigational hearings that were scheduled for that date. Pet. Ex. 1, ¶¶ 21-22. To date, the FTC has not received any of the documents or information required by the CIDs. Respondents have not availed themselves of the FTC’s administrative remedy by petitioning the Commission to limit or quash the CIDs. Pet. Ex. 1, ¶ 24; *see also* 15 U.S.C. § 57b-1(f)

(providing for a CID recipient to file a petition to modify or set aside a CID); 16 C.F.R. § 2.10 (same).

17. The Respondents' failure to comply with the January 25, 2018 CIDs has impeded the FTC's ongoing investigation. Pet. Ex. 1, ¶ 25. Therefore, the FTC respectfully requests that this Court issue an order to show cause and enforce the CIDs by issuing its own order directing Respondents to produce the demanded documents and appear and provide testimony in FTC investigational hearings.

18. No previous application for the relief sought herein has been made.

Prayer for Relief

WHEREFORE, the FTC invokes the aid of this Court and prays for:

- a) The immediate issuance of an order directing Respondents to appear and show cause why Respondents should not comply in full with the CIDs;
- b) A prompt determination of this matter and entry of an order compelling Respondents to:
 - i. Produce the documents specified in the January 25, 2018, CIDs within 10 days of such order; and
 - ii. Appear and give oral testimony in an investigational hearing at a date, time, and place to be determined by the Federal Trade Commission;
- c) Such other relief as the Court deems just and proper.

Respectfully submitted,

ALDEN F. ABBOTT
General Counsel

LESLIE RICE MELMAN
Assistant General Counsel for Litigation

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Attorneys for the United States

Dated: July 18, 2018

Petition Exhibit 1

Declaration of John D. Jacobs

(July 18, 2018)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

_____)	
FEDERAL TRADE COMMISSION,)	
)	
Petitioner,)	
)	
v.)	Misc. No.
)	
MONSHAY SWAIN,)	
DAMILARE ADEBAYO,)	
GIO-CRYSTAL, LLC, and)	
EBDM LLC,)	
)	
Respondents.)	
_____)	

DECLARATION OF JOHN D. JACOBS

Pursuant to 28 U.S.C. § 1746, I declare as follows:

1. I am an attorney employed by the U.S. Federal Trade Commission (FTC or Commission), in the FTC’s Western Region in Los Angeles. I am assigned to the FTC’s investigation relating to Monshay Swain, Damilare Adebayo, and their apparent corporate alter egos, Gio-Crystal, LLC and EBDM LLC (FTC File No. 1723080). The purpose of the investigation is to determine whether the Respondents or associated persons or entities have engaged in unfair or deceptive acts or practices, in violation of Section 5 of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 45. Specifically, the FTC seeks to determine whether, among other things, the Respondents serve as “money mules,” receiving the proceeds of fraudulent or other wrongful conduct, taking a portion of those proceeds for themselves, and then forwarding the remainder to third parties, potentially overseas.

2. I am authorized to execute a declaration verifying the facts that are set forth in the Federal Trade Commission’s Petition to Enforce Civil Investigative Demand. I have read the

Petition, and exhibits thereto (hereinafter referred to as Pet. Ex.), and verify that Pet. Ex. 2 through Pet. Ex. 9 are true and correct copies of the original documents. The facts set forth herein are based on my personal knowledge or information made known to me in the course of my official duties.

3. Monshay Swain and Damilare Adebayo are individuals. During the course of my investigation, I determined that they reside, can be found, or transact business in Norfolk, Virginia.

4. Gio-Crystal, LLC is a Virginia limited liability company. Gio-Crystal's Articles of Organization identify its principal office in Norfolk, Virginia, and list Swain as its registered agent and organizer. The document does not identify any additional members, managers, or employees. Previously, Gio-Crystal was formed as a Maryland limited liability company with Articles of Organization that listed Adebayo as the resident agent and owner, respectively. This document does not identify any additional members, managers, or employees. I understand that Adebayo has, as recently as April 2018, held himself out publicly as the "Chief Operating Officer" of Gio-Crystal, LLC in Norfolk, Virginia.

5. EBDM LLC is also a Virginia limited liability company. Virginia State Corporation Commission records show EBDM's principal office is in Norfolk, Virginia, and list Swain as its registered agent. The documents do not identify any additional members, managers, or employees.

6. Swain and Adebayo are signatories on several bank accounts held by Gio-Crystal and EBDM.

7. In 2017, FTC staff obtained information, including but not limited to consumer complaints, indicating that the victims of fraudulent conduct such as romance scams and

business email compromise schemes had sent funds to Gio-Crystal and EBDM. This information also showed that Gio-Crystal and EBDM had transferred much of these funds to third parties, often overseas. As a result, the FTC opened an investigation to determine if Gio-Crystal or others had engaged in unfair or deceptive acts or practices, in violation of Section 5 of the FTC Act, 15 U.S.C. § 45.

8. On January 25, 2018, the Commission issued four Civil Investigative Demands (CIDs) to Swain, Adebayo, Gio-Crystal, and EBDM, under the authority of FTC Resolution 9923259, which authorizes the use of compulsory process, including CIDs,

[t]o determine whether unnamed persons, partnerships or corporations have been or are engaged in the deceptive or unfair use of e-mail, metatags, computer code or programs, or deceptive or unfair practices involving Internet-related goods or services, in violation of Sections 5 or 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45, 52, as amended.

See, e.g., Pet. Ex. 2 at 14.

9. In issuing the CIDs, the Commission followed all the procedures and requirements of the FTC Act and its Rules of Practice and Procedure. *See, e.g.*, 15 U.S.C. §§ 57b-1(c)(2), (c)(3), (c)(6), (c)(7); 16 C.F.R. §§ 2.6, 2.7. The CIDs were properly signed by then-Acting Chairman Maureen K. Ohlhausen pursuant to the resolution, as required by Section 20 of the FTC Act. *See, e.g.*, Pet. Ex. 2 at 3; *see also* 15 U.S.C. § 57b-1(i); 16 C.F.R. § 2.7(a).

The CIDs to Monshay Swain & Damilare Adebayo

10. The CIDs that were issued to Monshay Swain (Pet. Ex. 2) and Damilare Adebayo (Pet. Ex. 3) were virtually identical in substance. Each CID required the recipient to produce five categories of documents by February 27, 2018, including, but not limited to, the following:

- Monthly bank statements and other banking-related documents;
- Documents relating to funds transfers made by way of MoneyGram and similar services;

- Communications and agreements with people or entities that, based on records I had reviewed, appeared to have sent money to, or received money from, one or more of the CID recipients;
- Documents relating to sales or other transactions with those people; and
- Documents filed with government agencies relating to any business in which the recipients hold at least a 25% ownership interest or for which they are an officer, director, partner, or managing member.

Pet. Ex 2 at 7-9; Pet. Ex. 3 at 7-9.

11. Each CID also directed the Respondent to appear and provide testimony at an investigational hearing on March 13, 2018, in Norfolk, Virginia. The CIDs identified various subjects that would be covered in each of the two investigational hearings, including, but not limited to, the following:

- The nature of the business conducted by Gio-Crystal and EBDM;
- The identities of people, financial institutions, and other companies with which any of the CID recipients had done business;
- Transactions involving the payment or transfer of at least \$500 between any of the CID recipients and other person;
- Communications between any of the CID recipients and customers and suppliers or anyone else who had paid or received at least \$500 in a transaction with any of the CID recipients;
- The nature of the relationship that the CID recipients had with anyone involved in a transaction involving at least \$500 with any of the CID recipients;
- Communications between any third party and any of the CID recipients relating to any transaction involving at least \$500; and
- Documents that were requested by the CID.

Pet. Ex 2 at 6-7; Pet. Ex. 3 at 6-7.

12. The documents and information sought by these CIDs are relevant to the FTC's investigation because they enable the FTC to identify possible victims of scams and other

wrongful conduct, to determine the extent of the Respondents' involvement in the wrongful conduct, to identify people who received funds from the Respondents, and to identify other possible witnesses.

13. The CIDs to Swain and Adebayo were served on February 1, 2018 by delivering copies of the CIDs to an address known to be their residence or principal office or place of business. This delivery was confirmed by FedEx delivery receipt. *See* Pet. Ex. 6 at 1-4; *see also* 15 U.S.C. § 57b-1(c)(9) (permitting service of a CID upon a natural person by delivering a copy to the person or mailing to "his residence or principal office or place of business").

The CIDs to Gio-Crystal and EBDM

14. The CIDs that were issued to Gio-Crystal, LLC (Pet. Ex. 4) and EBDM LLC (Pet. Ex. 5) were virtually identical in substance. Each CID required the recipient to produce seven categories of documents by February 27, 2018, including, but not limited to, the following:

- Monthly bank statements and other banking-related documents;
- Documents relating to funds transfers made by way of MoneyGram and similar services;
- Communications and agreements with people or entities that, based on records I had reviewed, appeared to have sent money to, or received money from, one or more of the CID recipients;
- Documents relating to sales or other transactions with those people;
- Copies of business contracts and agreements;
- Copies of advertising and marketing material; and
- Customer lists.

Pet. Ex. 4 at 6-8; Pet. Ex. 5 at 6-8.¹

¹ Unlike the CIDs issued to Swain and Adebayo, the CIDs issued to the companies did not include requests for testimony.

15. The documents and information sought by these CIDs are relevant to the FTC's investigation because they enable the FTC to identify possible victims of scams and other wrongful conduct, to determine the extent of Respondents' involvement in the wrongful conduct, to identify people who received funds from the CID recipients, and to identify other possible witnesses.

16. The CID to Gio-Crystal was served on February 1, 2018, by delivering it to the address listed in its Articles of Organization as its principal office and registered office. *See* 15 U.S.C. § 57b-1(c)(8)(B) (permitting service of a CID upon a corporation by delivering a copy to the "principal office or place of business"). This delivery was confirmed by FedEx delivery receipt. *See* Pet. Ex. 6 at 5-6.

17. The CID to EBDM was initially sent to the address listed as the company's principal office in Virginia State Corporation Commission records but was returned to the FTC as undeliverable. The CID was successfully served on EBDM on February 12, 2018 by delivering it to Swain, the registered agent for both EBDM and Gio-Crystal, at her address in Norfolk, Virginia. *See* ¶ 5, *supra*; *see also* 15 U.S.C. § 57b-1(c)(8)(A) (permitting service of a CID upon a corporation by delivering a copy to the corporation's "agent"). This delivery was confirmed by FedEx delivery receipt. *See* Pet. Ex. 6 at 7-8.

Subsequent Communications with the Respondents

18. On February 9, 2018, I received a voicemail from a woman who identified herself as Monshay Swain stating that she was calling about the CID.

19. On February 12, 2018, I called that telephone number and asked for Swain. The woman who answered confirmed that she was Swain. She also told me that she had received the CIDs that were addressed to her and to EBDM, and, in response to my question whether she had

spoken to Adebayo about the CID, stated that he knew about it. She asked what we were looking for and what she needed to do. I responded that the CID asked her to look for documents in her possession and control that are described in each category, and that she could make the originals available to us or could instead provide us with copies. When I asked if she thought Adebayo would be willing to speak with us, she said no but that she would convey the message.

20. By the February 27, 2018 deadline, however, I had received none of the records specified by the CIDs from any of the Respondents. I attempted to contact Swain by telephone but was unable to reach her.

21. For unrelated reasons, the FTC changed the location for the March 13 investigational hearings. On March 6, 2018, I sent letters by FedEx to Swain and Adebayo to advise each of them that the location of the hearing had changed. Pet. Ex. 7 at 1; Pet. Ex. 8 at 1. These letters were signed by my office's Assistant Regional Director, Dominique Alepin, in accordance with 16 C.F.R. § 2.7(l), and were addressed to the same address at which the CIDs had been delivered. Delivery of both of these letters was confirmed by FedEx delivery receipt. *See* Pet. Ex. 9. In addition to this delivery, I separately sent substantially identical letters to Swain and Adebayo by first-class mail, *see* Pet Ex. 7 at 2; Pet Ex. 8 at 2, and I also called Swain and left a voicemail.

22. I traveled to Norfolk, Virginia to conduct the investigational hearings. I was present at the designated location on March 13, 2018, the date scheduled for the investigational hearings. Neither Swain nor Adebayo appeared, and, accordingly, no testimony was given. I attempted to reach Swain by telephone from the hearing room to confirm whether she would appear but was unsuccessful. (I did not have a telephone number for Adebayo.)


23. To this date, the FTC has not received any documents or information in response to any of the CIDs. Nor have Respondents provided any statement that they lack any responsive information.

24. The FTC Act and the FTC's Rules of Practice provide CID recipients an administrative remedy by allowing them to file a petition to limit or quash a CID. *See* 15 U.S.C. § 57b-1(f); 16 C.F.R. § 2.10. None of the Respondents filed such a petition.

25. The Respondents' non-compliance with the CIDs has burdened, delayed, and impeded the Commission's investigation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 18, 2018, at Los Angeles, California.


John D. Jacobs
Attorney
Western Region-Los Angeles
Federal Trade Commission

Petition Exhibit 2

Civil Investigative Demand to Monshay Swain

(Jan. 25, 2018)

JAN 26 2018



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

Via Federal Express

Monshay Swain
1439 Longdale Drive
Norfolk, VA 23513

FTC Matter No. 1723080

Dear Mr. Adebayo:

The Federal Trade Commission ("FTC") has issued the attached Civil Investigative Demand ("CID") asking for information as part of a non-public investigation. Our purpose is to determine whether you or associated persons or entities have engaged in unfair or deceptive acts or practices in connection with receiving and transferring money that was obtained by deceptive or other wrongful acts, in violation of the FTC Act, 15 U.S.C. § 45, and whether Commission action to obtain redress for injury to consumers or others would be in the public interest. Please read the attached documents carefully. Here are a few important points we would like to highlight:

1. **Contact FTC counsel, John Jacobs / (310) 824-4343 / jjacobs@ftc.gov, as soon as possible to schedule an initial meeting to be held within 14 days.** You can meet in person or by phone to discuss any questions you have, including whether there are changes to how you comply with the CID that would reduce your cost or burden while still giving the FTC the information it needs. Please read the attached documents for more information about that meeting.
2. **You must immediately stop any routine procedures for electronic or paper document destruction, and you must preserve all paper or electronic documents** that are in any way relevant to this investigation, even if you believe the documents are protected from discovery by privilege or some other reason.
3. **The FTC will use information you provide in response to the CID for the purpose of investigating violations of the laws the FTC enforces.** We will not disclose the information under the Freedom of Information Act, 5 U.S.C. § 552. We may disclose the information in response to a valid request from Congress, or other civil or criminal federal, state, local, or foreign law enforcement agencies for their official law enforcement purposes. The FTC or other agencies may use and disclose your response in any federal, state, or foreign civil or criminal proceeding, or if

required to do so by law. However, we will not publicly disclose your information without giving you prior notice.

4. **Please read the attached documents closely.** They contain important information about how you should provide your response and where and when you must appear to give testimony.

Please contact FTC counsel as soon as possible to set up an initial meeting. We appreciate your cooperation.

Very truly yours,



Donald S. Clark
Secretary of the Commission



United States of America
Federal Trade Commission

CIVIL INVESTIGATIVE DEMAND

<p>1. TO</p> <p>Monshay Swain 1439 Longdale Drive Norfolk, VA 23513</p>	<p>1a. MATTER NUMBER</p> <p>1723080</p>
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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.

<p>LOCATION OF HEARING</p> <p>Federal Building RM #222 200 Granby Street Norfolk, VA 23510-1811</p>	<p>YOUR APPEARANCE WILL BE BEFORE</p> <p>John Jacobs (310) 824-4343</p> <hr/> <p>DATE AND TIME OF HEARING OR DEPOSITION</p> <p>March 13, at 1:00 p.m.</p>
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- 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.
- You are required to produce the tangible things described on the attached schedule. Produce such things to the Records Custodian named in Item 4 on or before the date specified below.

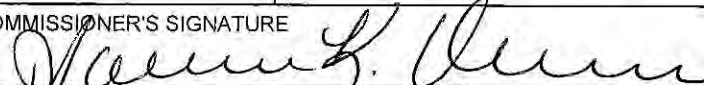
DATE AND TIME THE DOCUMENTS, ANSWERS TO INTERROGATORIES, REPORTS, AND/OR TANGIBLE THINGS MUST BE AVAILABLE

FEB 27 2018

3. SUBJECT OF INVESTIGATION

See attached Schedule and attached resolution.

<p>4. RECORDS CUSTODIAN/DEPUTY RECORDS CUSTODIAN</p> <p>Liberty Holton / Dominique Alepin-Johnson Federal Trade Commission, Western Region 10990 Wilshire Blvd. Ste. 400 Los Angeles, CA 90024 (310) 824-4343</p>	<p>5. COMMISSION COUNSEL</p> <p>John Jacobs Federal Trade Commission, Western Region 10990 Wilshire Blvd. Ste. 400 Los Angeles, CA 90024 (310) 824-4343</p>
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<p>DATE ISSUED</p> <p>1/25/18</p>	<p>COMMISSIONER'S SIGNATURE</p> 
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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.

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.

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.

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://ftc.gov/ftcpract>. Paper copies are available upon request.

Form of Certificate of Compliance*

I/We do certify that all of the documents, information and tangible things 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 or tangible thing 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 its submission 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.

**FEDERAL TRADE COMMISSION (“FTC”)
CIVIL INVESTIGATIVE DEMAND (“CID”) SCHEDULE**

Meet and Confer: You must contact FTC counsel, **John Jacobs**, at **(310) 824-4343** or **jjacobs@ftc.gov**, as soon as possible to schedule a meeting (telephonic or in person) to be held within fourteen (14) days after you receive this CID. At the meeting, you must discuss with FTC counsel any questions you have regarding this CID or any possible CID modifications that could reduce your cost, burden, or response time yet still provide the FTC with the information it needs to pursue its investigation. The meeting also will address how to assert any claims of protected status (e.g., privilege, work-product, etc.) and the production of electronically stored information. You must make available at the meeting personnel knowledgeable about your information or records management systems, your systems for electronically stored information, custodians likely to have information responsive to this CID, and any other issues relevant to compliance with this CID.

Document Retention: You must retain all documentary materials used in preparing responses to this CID. The FTC may require the submission of additional documents later during this investigation. **Accordingly, you must suspend any routine procedures for document destruction and take other measures to prevent the destruction of documents** that are in any way relevant to this investigation, even if you believe those documents are protected from discovery. *See* 15 U.S.C. § 50; *see also* 18 U.S.C. §§ 1505, 1519.

Sharing of Information: The FTC will use information you provide in response to the CID for the purpose of investigating violations of the laws the FTC enforces. We will not disclose such information under the Freedom of Information Act, 5 U.S.C. § 552. We also will not disclose such information, except as allowed under the FTC Act (15 U.S.C. § 57b-2), the Commission’s Rules of Practice (16 C.F.R. §§ 4.10 & 4.11), or if required by a legal obligation. Under the FTC Act, we may provide your information in response to a request from Congress or a proper request from another law enforcement agency. However, we will not publicly disclose such information without giving you prior notice.

Manner of Production: You may produce documentary material or tangible things by making them available for inspection and copying at your principal place of business. Alternatively, you may send all responsive documents and tangible things to **John Jacobs, Federal Trade Commission, 10990 Wilshire Blvd., Suite 400, Los Angeles, CA 90024**. If you are sending the materials, use a courier service such as Federal Express or UPS because heightened security measures delay postal delivery to the FTC. You must inform FTC counsel by email or telephone of how you intend to produce materials responsive to this CID at least five days before the return date.

Certification of Compliance: You or any person with knowledge of the facts and circumstances relating to the responses to this CID must certify that such responses are complete by completing the “Form of Certificate of Compliance” set forth on the back of the CID form or by signing a declaration under penalty of perjury pursuant to 28 U.S.C. § 1746.

Definitions and Instructions: Please review carefully the Definitions and Instructions that appear after the Specifications and provide important information regarding compliance with this CID.

SUBJECT OF THE INVESTIGATION

Whether the Subject Companies or associated persons or entities have engaged in unfair or deceptive acts or practices in connection with receiving and transferring money that was obtained by deceptive or other wrongful acts, in violation of the FTC Act, 15 U.S.C. § 45, and whether Commission action to obtain redress for injury to consumers or others would be in the public interest. See also attached resolution.

SPECIFICATIONS

Applicable Time Period: Unless otherwise directed, the applicable time period for the requests set forth below is from January 1, 2015 until the date of full and complete compliance with this CID.

For purposes of this CID, the term “Subject Companies” means Gio-Crystal, LLC, EBDM LLC, and any business that is wholly or partly owned or controlled by either of those companies, whether directly or indirectly.

A. Oral Testimony

Subjects for testimony will include, but will not be limited to, the following:

1. The nature of the business conducted by you and the Subject Companies;
2. The identities of people, financial institutions, and other companies with which you or the Subject Companies have done business, including but not limited to businesses you own, control, or work for;
3. Transactions involving the payment or transfer of at least \$500 between you or the Subject Companies and any other person, including but not limited to the purpose for, and other parties to, such transactions;
4. Communications between you or the Subject Companies and (a) customers and suppliers, or (b) anyone else who has paid to, or received from, you or the Subject Companies at least \$500;
5. The nature of the relationship between you or either of the Subject Companies and anyone who has have sent, paid, given, or transferred to, or received from, you or either of the Subject Companies money or anything of a value of \$500 or more, by way of wire transfer, deposit into an account with a bank or other financial institution, money transfer service (such as MoneyGram or Western Union), gift cards, cashier’s checks or money orders, or any other means;

6. Communications between any third party and you or the Subject Companies relating to any transaction involving the receipt, payment or transfer by you of at least \$500; and

7. Documents that are requested in Part B below.

B. Document Production

Please produce the following documents:

1. All documents received from any bank or other financial institution, or available to you by way of online banking, that reflect, memorialize, or refer to any account which is or was owned or controlled by you, in whole or in part, directly or indirectly, or on which you are an authorized signatory. Documents that are responsive to this request include, but are not necessarily limited to, the following: bank account statements; deposit tickets or slips; canceled checks and copies of canceled checks; receipts for withdrawals, cashier's checks, counter checks, or money orders; copies of cashier's checks or money orders; receipts for, and instructions relating to, incoming or outgoing wire transfers; receipts for transfers into or out of the account; letters and electronic communications with the institution; and documents relating to opening the account.

2. All documents received from or provided to MoneyGram (or any company with "MoneyGram" in its name), Western Union (or any company with "Western Union" in its name), or any other money transfer or money transmission service. Documents that are responsive to this request include, but are not necessarily limited to, copies of receipts for purchases; order confirmations (whether paper or email); emails and other communications; and any forms.

3. All agreements, emails, text messages, other communications, and other documents that refer to, were sent to, or were received from any of the following:

- a. Abiolao Abimbola;
- b. Adam Barkley;
- c. Adetokunbo Olajumoke Egbeolu;
- d. Akinyemi Olalekan Akinwande;
- e. Alice Hawkins;
- f. American West Investment Trust;
- g. Bernard Brandford;
- h. Billie Jo Kruize;
- i. Chizoba Anyimukwu;
- j. Crystal Hout;
- k. Damola Ayola Akeju;
- l. Drex Hansen;

- m. Fertizona;
- n. Folasade Ijawar;
- o. Gary Thompson;
- p. Guyatri Heerah;
- q. Ion Muhammad;
- r. Lee Scott Renfro;
- s. Lilian Daniyan;
- t. Lynne Ware;
- u. Manuel Pettigrew;
- v. Mega Source Trading, Inc.;
- w. Moyosoreoluwa Alake Apata;
- x. Ndivhaleni Bridgette Ndou;
- y. Norbert Brecht;
- z. Olufemi Emmanuel Adebessin;
- aa. Olusesan Emmanuel Onipede;
- bb. Oluwaseun Joseph Moliki;
- cc. Oluwasuen Omotola Adebayo;
- dd. Patti Rowley;
- ee. Robert Cowell;
- ff. Salami Raheem Abolade;
- gg. Sierra Sutton;
- hh. Simileoluwa Olorunshola;
- ii. Timothy Watkins;
- jj. TKO Associates;
- kk. Wan Lin; or
- ll. any company or person not named above from which the Company has received, or to which the Company has sent or paid, \$500 or more.

4. All documents reflecting, referring to, or memorializing any sales or other monetary transactions with any of the people or companies listed in Specification No. 3, immediately above.

5. Copies of all documents filed with any state, county, or city, or any agency thereof, relating to any business in which you hold at least a 25% ownership interest or any business for which you are an officer, director, partner, or managing member. Documents

responsive to this request include, but are not necessarily limited to, any articles of incorporation, articles of organization, trade name applications, fictitious business name applications, statements of officers, certificates of amendment, and annual reports.

DEFINITIONS

The following definitions apply to this CID:

D-1. “**Document**” means the complete original, all drafts, and any non-identical copy, whether different from the original because of notations on the copy, different metadata, or otherwise, of any item covered by 15 U.S.C. § 57b-1(a)(5), 16 C.F.R. § 2.7(a)(2), and Federal Rule of Civil Procedure 34(a)(1)(A).

D-2. “**Identify**” or “**the identity of**” requires identification of (a) natural persons by name, title, present business affiliation, present business address, telephone number, and email address or, if a present business affiliation or present business address is not known, the last known business and home addresses; and (b) businesses or other organizations by name, address, and the identities of your contact persons at the business or organization.

INSTRUCTIONS

I-1. **Petitions to Limit or Quash:** You must file any petition to limit or quash this CID with the Secretary of the FTC no later than twenty (20) days after service of the CID, or, if the return date is less than twenty (20) days after service, prior to the return date. Such petition must set forth all assertions of protected status or other factual and legal objections to the CID and comply with the requirements set forth in 16 C.F.R. § 2.10(a)(1) – (2). **The FTC will not consider petitions to quash or limit if you have not previously met and conferred with FTC staff and, absent extraordinary circumstances, will consider only issues raised during the meet and confer process.** 16 C.F.R. § 2.7(k); *see also* § 2.11(b). **If you file a petition to limit or quash, you must still timely respond to all requests that you do not seek to modify or set aside in your petition.** 15 U.S.C. § 57b-1(f); 16 C.F.R. § 2.10(b).

I-2. **Withholding Requested Material / Privilege Claims:** If you withhold from production any material responsive to this CID based on a claim of privilege, work product protection, statutory exemption, or any similar claim, you must assert the claim no later than the return date of this CID, and you must submit a detailed log, in a searchable electronic format, of the items withheld that identifies the basis for withholding the material and meets all the requirements set forth in 16 C.F.R. § 2.11(a) – (c). The information in the log must be of sufficient detail to enable FTC staff to assess the validity of the claim for each document, including attachments, without disclosing the protected information. If only some portion of any responsive material is privileged, you must submit all non-privileged portions of the material. Otherwise, produce all responsive information and material without redaction. 16 C.F.R. § 2.11(c). The failure to provide information sufficient to support a claim of protected status may result in denial of the claim. 16 C.F.R. § 2.11(a)(1).

I-3. **Modification of Specifications:** The Bureau Director, a Deputy Bureau Director, Associate Director, Regional Director, or Assistant Regional Director must agree in writing to any modifications of this CID. 16 C.F.R. § 2.7(l).

I-4. **Scope of Search:** This CID covers documents and information in your possession or under your actual or constructive custody or control, including documents and information in the possession, custody, or control of your attorneys, accountants, directors, officers, employees, service providers, and other agents and consultants, whether or not such documents or information were received from or disseminated to any person or entity.

I-5. **Identification of Responsive Documents:** For specifications requesting production of documents, you must identify in writing the documents that are responsive to the specification. Documents that may be responsive to more than one specification of this CID need not be produced more than once. If any documents responsive to this CID have been previously supplied to the FTC, you may identify the documents previously provided and the date of submission.

I-6. **Maintain Document Order:** You must produce documents in the order in which they appear in your files or as electronically stored. If documents are removed from their original folders, binders, covers, containers, or electronic source, you must specify the folder, binder, cover, container, or electronic media or file paths from which such documents came.

I-7. **Numbering of Documents:** You must number all documents in your submission with a unique identifier such as a Bates number or a document ID.

I-8. **Production of Copies:** Unless otherwise stated, you may submit copies in lieu of original documents if they are true, correct, and complete copies of the originals and you preserve and retain the originals in their same state as of the time you received this CID. Submission of copies constitutes a waiver of any claim as to the authenticity of the copies should the FTC introduce such copies as evidence in any legal proceeding.

I-9. **Production in Color:** You must produce copies of advertisements in color, and you must produce copies of other materials in color if necessary to interpret them or render them intelligible.

I-10. **Electronically Stored Information:** See the attached FTC Bureau of Consumer Protection Production Requirements (“Production Requirements”), which detail all requirements for the production of electronically stored information to the FTC. You must discuss issues relating to the production of electronically stored information with FTC staff **prior to** production.

I-11. **Sensitive Personally Identifiable Information (“Sensitive PII”) or Sensitive Health Information (“SHI”):** If any materials responsive to this CID contain Sensitive PII or SHI, please contact FTC counsel before producing those materials to discuss whether there are steps you can take to minimize the amount of Sensitive PII or SHI you produce, and how to securely transmit such information to the FTC.

Sensitive PII includes an individual's Social Security number; an individual's biometric data (such as fingerprints or retina scans, but not photographs); and an individual's name, address, or phone number in combination with one or more of the following: date of birth, Social Security number, driver's license or state identification number (or foreign country equivalent), passport number, financial account number, credit card number, or debit card number. SHI includes medical records and other individually identifiable health information relating to the past, present, or future physical or mental health or conditions 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.

Federal Trade Commission Bureau of Consumer Protection
Production Requirements
 Revised July 2017

In producing information in response to this CID, you must comply with the following production requirements, unless the FTC agrees otherwise. If you have any questions about these requirements, please contact FTC Counsel before production.

Production Format

1. **General Format:** Provide load-ready electronic productions with: (a) an Opticon image load file (.OPT) containing a line for every image file; and (b) a delimited data load file (.DAT) containing a line for every document, with bates references, metadata fields, and native file links, where applicable.
2. **Electronically Stored Information (“ESI”):** Documents stored in electronic format in the ordinary course of business must be produced in the following format:
 - a. For ESI other than the categories described below, submit in native electronic format with extracted text or Optical Character Recognition (OCR), all metadata, and corresponding image renderings converted to Group IV, 300 DPI, single-page Tagged Image File Format (TIFF) or color JPEG images (if color is necessary to interpret the contents or render them intelligible).
 - b. For Microsoft Excel, Access, or PowerPoint files, submit in native format with extracted text and metadata. Data compilations in Excel spreadsheets or in delimited text formats must contain all underlying data, formulas, and algorithms without redaction.
 - c. For other spreadsheet, database, presentation, or multimedia formats; instant messages; or proprietary applications, discuss production format during the meet and confer.
3. **Hard Copy Documents:** Documents stored in hard copy in the ordinary course of business must be scanned and submitted as 300 DPI individual single page TIFFs (or color JPGs when necessary to interpret documents or render them intelligible), with corresponding document-level OCR text and logical document determination in an accompanying load file.
4. **Extracted Text/OCR:** Submit text as document-level text files, named for the beginning bates number, and organized into a folder separate from images. We cannot accept Unicode text files.
5. **Document Identification:** Provide a unique DocId or bates number for each hard copy or electronic document, consisting of a prefix and a consistent number of numerals using leading zeros. Do not use a space to separate the prefix from numbers.
6. **Attachments:** Preserve the parent/child relationship by producing attachments as separate documents, numbering them consecutively to the parent email, and including a reference to all attachments.
7. **Metadata Production:** For each document submitted electronically, include standard metadata fields in a standard ASCII delimited data load file. The first line of the data load file shall include the field names. Submit date and time data in separate fields. Use these delimiters in delimited data load files:

Description	Symbol	ASCII Character
Field Separator	<	20
Quote Character	”	254

Multi Entry delimiter	®	174
<Return> Value in data	~	126

8. **De-duplication:** Do not use de-duplication or email threading software without FTC counsel approval.
9. **Password-Protected Files:** Remove passwords prior to production. If password removal is not possible, provide the original and production filenames and the password under separate cover.
10. **Sensitive PII or SHI:** Use data encryption to protect any Sensitive PII or SHI (as defined in the CID Schedule). Provide encryption passwords in advance of delivery, under separate cover.

Producing and Submitting Media to the FTC

1. Prior to production, scan all media and data for viruses and confirm the media and data are virus-free.
2. For productions smaller than 50 GB, the FTC can accept electronic file transfer via FTC-hosted secure file transfer protocol (Accellion or SecureZip). Contact FTC counsel to request this option. The FTC cannot accept files via Dropbox, Google Drive, OneDrive, or other third-party file transfer sites.
3. Use the least amount of media necessary for productions. Acceptable media formats are CDs, DVDs, flash drives, and hard drives. Format all media for use with Windows 7.
4. Use a courier service (e.g., Federal Express, UPS) because heightened security measures delay postal delivery. Mark the exterior of all packages containing electronic media with the following:

MAGNETIC MEDIA – DO NOT X-RAY
MAY BE OPENED FOR INSPECTION

5. Provide a production transmittal letter with each production that includes:
 - a. Production volume name (e.g., Volume 1), date of production, and numeric DocID number range of all documents included in the production;
 - b. List of custodians and the DocID number range for each custodian;
 - c. Total number of records and all underlying images, emails, and associated attachments, native files, and databases in the production
 - d. List of load file fields in the order in which they are organized in the data file.

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman
Maureen K. Ohlhausen
Terrell McSweeney

RESOLUTION DIRECTING USE OF COMPULSORY PROCESS IN NON-PUBLIC
INVESTIGATION OF UNNAMED PERSONS, PARTNERSHIPS OR CORPORATIONS
ENGAGED IN THE DECEPTIVE OR UNFAIR USE OF E-MAIL, METATAGS,
COMPUTER CODE OR PROGRAMS, OR DECEPTIVE OR UNFAIR PRACTICES
INVOLVING INTERNET-RELATED GOODS OR SERVICES

File No. 9923259

Nature and Scope of Investigation:

To determine whether unnamed persons, partnerships or corporations have been or are engaged in the deceptive or unfair use of e-mail, metatags, computer code or programs, or deceptive or unfair practices involving Internet-related goods or services, in violation of Sections 5 or 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45, 52, as amended. The investigation is also to determine whether Commission action to obtain equitable monetary relief for injury to consumers or others would be in the public interest.

The Federal Trade Commission hereby resolves and directs that any and all compulsory processes available to it be used in connection with this investigation for a period not to exceed five years from the date of issuance of this resolution. The expiration of this five-year period shall not limit or terminate the investigation or the legal effect of any compulsory process issued during the five-year period. The Federal Trade Commission specifically authorizes the filing or continuation of actions to enforce any such compulsory process after the expiration of the five-year period.

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. Part 3.1 et seq. and supplements thereto.

By direction of the Commission:



Donald S. Clark
Secretary

Issued August 1, 2016

Petition Exhibit 3

Civil Investigative Demand to
Damilare Adebayo

(Jan. 25, 2018)

JAN 26 2018



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

Via Federal Express

Damilare Adebayo
1439 Longdale Drive
Norfolk, VA 23513

FTC Matter No. 1723080

Dear Mr. Adebayo:

The Federal Trade Commission ("FTC") has issued the attached Civil Investigative Demand ("CID") asking for information as part of a non-public investigation. Our purpose is to determine whether you or associated persons or entities have engaged in unfair or deceptive acts or practices in connection with receiving and transferring money that was obtained by deceptive or other wrongful acts, in violation of the FTC Act, 15 U.S.C. § 45, and whether Commission action to obtain redress for injury to consumers or others would be in the public interest. Please read the attached documents carefully. Here are a few important points we would like to highlight:

1. **Contact FTC counsel, John Jacobs / (310) 824-4343 / jjacobs@ftc.gov, as soon as possible to schedule an initial meeting to be held within 14 days.** You can meet in person or by phone to discuss any questions you have, including whether there are changes to how you comply with the CID that would reduce your cost or burden while still giving the FTC the information it needs. Please read the attached documents for more information about that meeting.
2. **You must immediately stop any routine procedures for electronic or paper document destruction, and you must preserve all paper or electronic documents** that are in any way relevant to this investigation, even if you believe the documents are protected from discovery by privilege or some other reason.
3. **The FTC will use information you provide in response to the CID for the purpose of investigating violations of the laws the FTC enforces.** We will not disclose the information under the Freedom of Information Act, 5 U.S.C. § 552. We may disclose the information in response to a valid request from Congress, or other civil or criminal federal, state, local, or foreign law enforcement agencies for their official law enforcement purposes. The FTC or other agencies may use and disclose your response in any federal, state, or foreign civil or criminal proceeding, or if

required to do so by law. However, we will not publicly disclose your information without giving you prior notice.

4. **Please read the attached documents closely.** They contain important information about how you should provide your response and where and when you must appear to give testimony.

Please contact FTC counsel as soon as possible to set up an initial meeting. We appreciate your cooperation.

Very truly yours,



Donald S. Clark

Secretary of the Commission

United States of America
Federal Trade Commission



CIVIL INVESTIGATIVE DEMAND

<p>1. TO</p> <p>Damilare Adebayo 1439 Longdale Drive Norfolk, VA 23513</p>	<p>1a. MATTER NUMBER</p> <p>1723080</p>
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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.

<p>2. ACTION REQUIRED</p> <p><input checked="" type="checkbox"/> You are required to appear and testify.</p>	
<p>LOCATION OF HEARING</p> <p>Federal Building RM #222 200 Granby Street Norfolk, VA 23510-1811</p>	<p>YOUR APPEARANCE WILL BE BEFORE</p> <p>John Jacobs (310) 824-4343</p> <hr/> <p>DATE AND TIME OF HEARING OR DEPOSITION</p> <p>March 13, 2018 at 8:30 a.m</p>

- 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.
- You are required to produce the tangible things described on the attached schedule. Produce such things to the Records Custodian named in Item 4 on or before the date specified below.


DATE AND TIME THE DOCUMENTS, ANSWERS TO INTERROGATORIES, REPORTS, AND/OR TANGIBLE THINGS MUST BE AVAILABLE

FEB 27 2018

3. SUBJECT OF INVESTIGATION

See attached Schedule and attached resolution.

<p>4. RECORDS CUSTODIAN/DEPUTY RECORDS CUSTODIAN</p> <p>Liberty Holton / Dominique Alepin-Johnson Federal Trade Commission, Western Region 10990 Wilshire Blvd. Ste. 400 Los Angeles, CA 90024 (310) 824-4343</p>	<p>5. COMMISSION COUNSEL</p> <p>John Jacobs Federal Trade Commission, Western Region 10990 Wilshire Blvd. Ste. 400 Los Angeles, CA 90024 (310) 824-4343</p>
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<p>DATE ISSUED</p> <p>1/25/18</p>	<p>COMMISSIONER'S SIGNATURE</p> 
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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.

**FEDERAL TRADE COMMISSION (“FTC”)
CIVIL INVESTIGATIVE DEMAND (“CID”) SCHEDULE**

Meet and Confer: You must contact FTC counsel, **John Jacobs**, at **(310) 824-4343** or **jjacobs@ftc.gov**, as soon as possible to schedule a meeting (telephonic or in person) to be held within fourteen (14) days after you receive this CID. At the meeting, you must discuss with FTC counsel any questions you have regarding this CID or any possible CID modifications that could reduce your cost, burden, or response time yet still provide the FTC with the information it needs to pursue its investigation. The meeting also will address how to assert any claims of protected status (e.g., privilege, work-product, etc.) and the production of electronically stored information. You must make available at the meeting personnel knowledgeable about your information or records management systems, your systems for electronically stored information, custodians likely to have information responsive to this CID, and any other issues relevant to compliance with this CID.

Document Retention: You must retain all documentary materials used in preparing responses to this CID. The FTC may require the submission of additional documents later during this investigation. **Accordingly, you must suspend any routine procedures for document destruction and take other measures to prevent the destruction of documents** that are in any way relevant to this investigation, even if you believe those documents are protected from discovery. See 15 U.S.C. § 50; see also 18 U.S.C. §§ 1505, 1519.

Sharing of Information: The FTC will use information you provide in response to the CID for the purpose of investigating violations of the laws the FTC enforces. We will not disclose such information under the Freedom of Information Act, 5 U.S.C. § 552. We also will not disclose such information, except as allowed under the FTC Act (15 U.S.C. § 57b-2), the Commission’s Rules of Practice (16 C.F.R. §§ 4.10 & 4.11), or if required by a legal obligation. Under the FTC Act, we may provide your information in response to a request from Congress or a proper request from another law enforcement agency. However, we will not publicly disclose such information without giving you prior notice.

Manner of Production: You may produce documentary material or tangible things by making them available for inspection and copying at your principal place of business. Alternatively, you may send all responsive documents and tangible things to **John Jacobs, Federal Trade Commission, 10990 Wilshire Blvd., Suite 400, Los Angeles, CA 90024**. If you are sending the materials, use a courier service such as Federal Express or UPS because heightened security measures delay postal delivery to the FTC. You must inform FTC counsel by email or telephone of how you intend to produce materials responsive to this CID at least five days before the return date.

Certification of Compliance: You or any person with knowledge of the facts and circumstances relating to the responses to this CID must certify that such responses are complete by completing the “Form of Certificate of Compliance” set forth on the back of the CID form or by signing a declaration under penalty of perjury pursuant to 28 U.S.C. § 1746.

Definitions and Instructions: Please review carefully the Definitions and Instructions that appear after the Specifications and provide important information regarding compliance with this CID.

SUBJECT OF THE INVESTIGATION

Whether the Subject Companies or associated persons or entities have engaged in unfair or deceptive acts or practices in connection with receiving and transferring money that was obtained by deceptive or other wrongful acts, in violation of the FTC Act, 15 U.S.C. § 45, and whether Commission action to obtain redress for injury to consumers or others would be in the public interest. See also attached resolution.

SPECIFICATIONS

Applicable Time Period: Unless otherwise directed, the applicable time period for the requests set forth below is from January 1, 2015 until the date of full and complete compliance with this CID.

For purposes of this CID, the term “Subject Companies” means Gio-Crystal, LLC, EBDM LLC, and any business that is wholly or partly owned or controlled by either of those companies, whether directly or indirectly.

A. Oral Testimony

Subjects for testimony will include, but will not be limited to, the following:

1. The nature of the business conducted by you and the Subject Companies;
2. The identities of people, financial institutions, and other companies with which you or the Subject Companies have done business, including but not limited to businesses you own, control, or work for;
3. Transactions involving the payment or transfer of at least \$500 between you or the Subject Companies and any other person, including but not limited to the purpose for, and other parties to, such transactions;
4. Communications between you or the Subject Companies and (a) customers and suppliers, or (b) anyone else who has paid to, or received from, you or the Subject Companies at least \$500;
5. The nature of the relationship between you or either of the Subject Companies and anyone who has have sent, paid, given, or transferred to, or received from, you or either of the Subject Companies money or anything of a value of \$500 or more, by way of wire transfer, deposit into an account with a bank or other financial institution, money transfer service (such as MoneyGram or Western Union), gift cards, cashier’s checks or money orders, or any other means;

6. Communications between any third party and you or the Subject Companies relating to any transaction involving the receipt, payment or transfer by you of at least \$500; and

7. Documents that are requested in Part B below.

B. Document Production

Please produce the following documents:

1. All documents received from any bank or other financial institution, or available to you by way of online banking, that reflect, memorialize, or refer to any account which is or was owned or controlled by you, in whole or in part, directly or indirectly, or on which you are an authorized signatory. Documents that are responsive to this request include, but are not necessarily limited to, the following: bank account statements; deposit tickets or slips; canceled checks and copies of canceled checks; receipts for withdrawals, cashier's checks, counter checks, or money orders; copies of cashier's checks or money orders; receipts for, and instructions relating to, incoming or outgoing wire transfers; receipts for transfers into or out of the account; letters and electronic communications with the institution; and documents relating to opening the account.

2. All documents received from or provided to MoneyGram (or any company with "MoneyGram" in its name), Western Union (or any company with "Western Union" in its name), or any other money transfer or money transmission service. Documents that are responsive to this request include, but are not necessarily limited to, copies of receipts for purchases; order confirmations (whether paper or email); emails and other communications; and any forms.

3. All agreements, emails, text messages, other communications, and other documents that refer to, were sent to, or were received from any of the following:

- a. Abiolao Abimbola;
- b. Adam Barkley;
- c. Adetokunbo Olajumoke Egbeolu;
- d. Akinyemi Olalekan Akinwande;
- e. Alice Hawkins;
- f. American West Investment Trust;
- g. Bernard Brandford;
- h. Billie Jo Kruize;
- i. Chizoba Anyimukwu;
- j. Crystal Hout;
- k. Damola Ayola Akeju;
- l. Drex Hansen;

- m. Fertizona;
- n. Folasade Ijawar;
- o. Gary Thompson;
- p. Guyatri Heerah;
- q. Ion Muhammad;
- r. Lee Scott Renfro;
- s. Lilian Daniyan;
- t. Lynne Ware;
- u. Manuel Pettigrew;
- v. Mega Source Trading, Inc.;
- w. Moyosoreoluwa Alake Apata;
- x. Ndivhaleni Bridgette Ndou;
- y. Norbert Brecht;
- z. Olufemi Emmanuel Adebessin;
- aa. Olusesan Emmanuel Onipede;
- bb. Oluwaseun Joseph Moliki;
- cc. Oluwasuen Omotola Adebayo;
- dd. Patti Rowley;
- ee. Robert Cowell;
- ff. Salami Raheem Abolade;
- gg. Sierra Sutton;
- hh. Simileoluwa Olorunshola;
- ii. Timothy Watkins;
- jj. TKO Associates;
- kk. Wan Lin; or
- ll. any company or person not named above from which the Company has received, or to which the Company has sent or paid, \$500 or more.

4. All documents reflecting, referring to, or memorializing any sales or other monetary transactions with any of the people or companies listed in Specification No. 3, immediately above.

5. Copies of all documents filed with any state, county, or city, or any agency thereof, relating to any business in which you hold at least a 25% ownership interest or any business for which you are an officer, director, partner, or managing member. Documents

responsive to this request include, but are not necessarily limited to, any articles of incorporation, articles of organization, trade name applications, fictitious business name applications, statements of officers, certificates of amendment, and annual reports.

DEFINITIONS

The following definitions apply to this CID:

D-1. “**Document**” means the complete original, all drafts, and any non-identical copy, whether different from the original because of notations on the copy, different metadata, or otherwise, of any item covered by 15 U.S.C. § 57b-1(a)(5), 16 C.F.R. § 2.7(a)(2), and Federal Rule of Civil Procedure 34(a)(1)(A).

D-2. “**Identify**” or “**the identity of**” requires identification of (a) natural persons by name, title, present business affiliation, present business address, telephone number, and email address or, if a present business affiliation or present business address is not known, the last known business and home addresses; and (b) businesses or other organizations by name, address, and the identities of your contact persons at the business or organization.

INSTRUCTIONS

I-1. **Petitions to Limit or Quash:** You must file any petition to limit or quash this CID with the Secretary of the FTC no later than twenty (20) days after service of the CID, or, if the return date is less than twenty (20) days after service, prior to the return date. Such petition must set forth all assertions of protected status or other factual and legal objections to the CID and comply with the requirements set forth in 16 C.F.R. § 2.10(a)(1) – (2). **The FTC will not consider petitions to quash or limit if you have not previously met and conferred with FTC staff and, absent extraordinary circumstances, will consider only issues raised during the meet and confer process.** 16 C.F.R. § 2.7(k); *see also* § 2.11(b). **If you file a petition to limit or quash, you must still timely respond to all requests that you do not seek to modify or set aside in your petition.** 15 U.S.C. § 57b-1(f); 16 C.F.R. § 2.10(b).

I-2. **Withholding Requested Material / Privilege Claims:** If you withhold from production any material responsive to this CID based on a claim of privilege, work product protection, statutory exemption, or any similar claim, you must assert the claim no later than the return date of this CID, and you must submit a detailed log, in a searchable electronic format, of the items withheld that identifies the basis for withholding the material and meets all the requirements set forth in 16 C.F.R. § 2.11(a) – (c). The information in the log must be of sufficient detail to enable FTC staff to assess the validity of the claim for each document, including attachments, without disclosing the protected information. If only some portion of any responsive material is privileged, you must submit all non-privileged portions of the material. Otherwise, produce all responsive information and material without redaction. 16 C.F.R. § 2.11(c). The failure to provide information sufficient to support a claim of protected status may result in denial of the claim. 16 C.F.R. § 2.11(a)(1).

I-3. **Modification of Specifications:** The Bureau Director, a Deputy Bureau Director, Associate Director, Regional Director, or Assistant Regional Director must agree in writing to any modifications of this CID. 16 C.F.R. § 2.7(l).

I-4. **Scope of Search:** This CID covers documents and information in your possession or under your actual or constructive custody or control, including documents and information in the possession, custody, or control of your attorneys, accountants, directors, officers, employees, service providers, and other agents and consultants, whether or not such documents or information were received from or disseminated to any person or entity.

I-5. **Identification of Responsive Documents:** For specifications requesting production of documents, you must identify in writing the documents that are responsive to the specification. Documents that may be responsive to more than one specification of this CID need not be produced more than once. If any documents responsive to this CID have been previously supplied to the FTC, you may identify the documents previously provided and the date of submission.

I-6. **Maintain Document Order:** You must produce documents in the order in which they appear in your files or as electronically stored. If documents are removed from their original folders, binders, covers, containers, or electronic source, you must specify the folder, binder, cover, container, or electronic media or file paths from which such documents came.

I-7. **Numbering of Documents:** You must number all documents in your submission with a unique identifier such as a Bates number or a document ID.

I-8. **Production of Copies:** Unless otherwise stated, you may submit copies in lieu of original documents if they are true, correct, and complete copies of the originals and you preserve and retain the originals in their same state as of the time you received this CID. Submission of copies constitutes a waiver of any claim as to the authenticity of the copies should the FTC introduce such copies as evidence in any legal proceeding.

I-9. **Production in Color:** You must produce copies of advertisements in color, and you must produce copies of other materials in color if necessary to interpret them or render them intelligible.

I-10. **Electronically Stored Information:** See the attached FTC Bureau of Consumer Protection Production Requirements (“Production Requirements”), which detail all requirements for the production of electronically stored information to the FTC. You must discuss issues relating to the production of electronically stored information with FTC staff **prior to** production.

I-11. **Sensitive Personally Identifiable Information (“Sensitive PII”) or Sensitive Health Information (“SHI”):** If any materials responsive to this CID contain Sensitive PII or SHI, please contact FTC counsel before producing those materials to discuss whether there are steps you can take to minimize the amount of Sensitive PII or SHI you produce, and how to securely transmit such information to the FTC.

Sensitive PII includes an individual's Social Security number; an individual's biometric data (such as fingerprints or retina scans, but not photographs); and an individual's name, address, or phone number in combination with one or more of the following: date of birth, Social Security number, driver's license or state identification number (or foreign country equivalent), passport number, financial account number, credit card number, or debit card number. SHI includes medical records and other individually identifiable health information relating to the past, present, or future physical or mental health or conditions 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.

Federal Trade Commission Bureau of Consumer Protection
Production Requirements
 Revised July 2017

In producing information in response to this CID, you must comply with the following production requirements, unless the FTC agrees otherwise. If you have any questions about these requirements, please contact FTC Counsel before production.

Production Format

1. **General Format:** Provide load-ready electronic productions with: (a) an Opticon image load file (.OPT) containing a line for every image file; and (b) a delimited data load file (.DAT) containing a line for every document, with bates references, metadata fields, and native file links, where applicable.
2. **Electronically Stored Information (“ESI”):** Documents stored in electronic format in the ordinary course of business must be produced in the following format:
 - a. For ESI other than the categories described below, submit in native electronic format with extracted text or Optical Character Recognition (OCR), all metadata, and corresponding image renderings converted to Group IV, 300 DPI, single-page Tagged Image File Format (TIFF) or color JPEG images (if color is necessary to interpret the contents or render them intelligible).
 - b. For Microsoft Excel, Access, or PowerPoint files, submit in native format with extracted text and metadata. Data compilations in Excel spreadsheets or in delimited text formats must contain all underlying data, formulas, and algorithms without redaction.
 - c. For other spreadsheet, database, presentation, or multimedia formats; instant messages; or proprietary applications, discuss production format during the meet and confer.
3. **Hard Copy Documents:** Documents stored in hard copy in the ordinary course of business must be scanned and submitted as 300 DPI individual single page TIFFs (or color JPGs when necessary to interpret documents or render them intelligible), with corresponding document-level OCR text and logical document determination in an accompanying load file.
4. **Extracted Text/OCR:** Submit text as document-level text files, named for the beginning bates number, and organized into a folder separate from images. We cannot accept Unicode text files.
5. **Document Identification:** Provide a unique DocId or bates number for each hard copy or electronic document, consisting of a prefix and a consistent number of numerals using leading zeros. Do not use a space to separate the prefix from numbers.
6. **Attachments:** Preserve the parent/child relationship by producing attachments as separate documents, numbering them consecutively to the parent email, and including a reference to all attachments.
7. **Metadata Production:** For each document submitted electronically, include standard metadata fields in a standard ASCII delimited data load file. The first line of the data load file shall include the field names. Submit date and time data in separate fields. Use these delimiters in delimited data load files:

Description	Symbol	ASCII Character
Field Separator	<	20
Quote Character	␣	254

Multi Entry delimiter	®	174
<Return> Value in data	~	126

8. **De-duplication:** Do not use de-duplication or email threading software without FTC counsel approval.
9. **Password-Protected Files:** Remove passwords prior to production. If password removal is not possible, provide the original and production filenames and the password under separate cover.
10. **Sensitive PII or SHI:** Use data encryption to protect any Sensitive PII or SHI (as defined in the CID Schedule). Provide encryption passwords in advance of delivery, under separate cover.

Producing and Submitting Media to the FTC

1. Prior to production, scan all media and data for viruses and confirm the media and data are virus-free.
2. For productions smaller than 50 GB, the FTC can accept electronic file transfer via FTC-hosted secure file transfer protocol (Accellion or SecureZip). Contact FTC counsel to request this option. The FTC cannot accept files via Dropbox, Google Drive, OneDrive, or other third-party file transfer sites.
3. Use the least amount of media necessary for productions. Acceptable media formats are CDs, DVDs, flash drives, and hard drives. Format all media for use with Windows 7.
4. Use a courier service (e.g., Federal Express, UPS) because heightened security measures delay postal delivery. Mark the exterior of all packages containing electronic media with the following:

MAGNETIC MEDIA – DO NOT X-RAY
MAY BE OPENED FOR INSPECTION

5. Provide a production transmittal letter with each production that includes:
 - a. Production volume name (e.g., Volume 1), date of production, and numeric DocID number range of all documents included in the production;
 - b. List of custodians and the DocID number range for each custodian;
 - c. Total number of records and all underlying images, emails, and associated attachments, native files, and databases in the production
 - d. List of load file fields in the order in which they are organized in the data file.

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman
Maureen K. Ohlhausen
Terrell McSweeney

RESOLUTION DIRECTING USE OF COMPULSORY PROCESS IN NON-PUBLIC
INVESTIGATION OF UNNAMED PERSONS, PARTNERSHIPS OR CORPORATIONS
ENGAGED IN THE DECEPTIVE OR UNFAIR USE OF E-MAIL, METATAGS,
COMPUTER CODE OR PROGRAMS, OR DECEPTIVE OR UNFAIR PRACTICES
INVOLVING INTERNET-RELATED GOODS OR SERVICES

File No. 9923259

Nature and Scope of Investigation

To determine whether unnamed persons, partnerships or corporations have been or are engaged in the deceptive or unfair use of e-mail, metatags, computer code or programs, or deceptive or unfair practices involving Internet-related goods or services, in violation of Sections 5 or 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45, 52, as amended. The investigation is also to determine whether Commission action to obtain equitable monetary relief for injury to consumers or others would be in the public interest.

The Federal Trade Commission hereby resolves and directs that any and all compulsory processes available to it be used in connection with this investigation for a period not to exceed five years from the date of issuance of this resolution. The expiration of this five-year period shall not limit or terminate the investigation or the legal effect of any compulsory process issued during the five-year period. The Federal Trade Commission specifically authorizes the filing or continuation of actions to enforce any such compulsory process after the expiration of the five-year period.

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. Part 1.1 et seq. and supplements thereto.

By direction of the Commission



Donald S. Clark
Secretary

Issued: August 1, 2016

Petition Exhibit 4

Civil Investigative Demand to Gio-Crystal, LLC

(Jan. 25, 2018)

JAN 26 2018



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Via Federal Express

Gio-Crystal, LLC
c/o Monshay Swain
1439 Longdale Dr.
Norfolk, VA 23513

FTC Matter No. 1723080

Dear Ms. Swain:

The Federal Trade Commission ("FTC") has issued the attached Civil Investigative Demand ("CID") asking for information as part of a non-public investigation. Our purpose is to determine whether Gio-Crystal or associated persons or entities have engaged in unfair or deceptive acts or practices in connection with receiving and transferring money that was obtained by deceptive or other wrongful acts, in violation of the FTC Act, 15 U.S.C. § 45, and whether Commission action to obtain redress for injury to consumers or others would be in the public interest. Please read the attached documents carefully. Here are a few important points we would like to highlight:

1. **Contact FTC counsel, John Jacobs / (310) 824-4343 / jjacobs@ftc.gov, as soon as possible to schedule an initial meeting to be held within 14 days.** You can meet in person or by phone to discuss any questions you have, including whether there are changes to how you comply with the CID that would reduce your cost or burden while still giving the FTC the information it needs. Please read the attached documents for more information about that meeting.
2. **You must immediately stop any routine procedures for electronic or paper document destruction, and you must preserve all paper or electronic documents** that are in any way relevant to this investigation, even if you believe the documents are protected from discovery by privilege or some other reason.
3. **The FTC will use information you provide in response to the CID for the purpose of investigating violations of the laws the FTC enforces.** We will not disclose the information under the Freedom of Information Act, 5 U.S.C. § 552. We may disclose the information in response to a valid request from Congress, or other civil or criminal federal, state, local, or foreign law enforcement agencies for their official law enforcement purposes. The FTC or other agencies may use and disclose your response in any federal, state, or foreign civil or criminal proceeding, or if

required to do so by law. However, we will not publicly disclose your information without giving you prior notice.

4. **Please read the attached documents closely.** They contain important information about how you should provide your response.

Please contact FTC counsel as soon as possible to set up an initial meeting. We appreciate your cooperation.

Very truly yours,

A handwritten signature in blue ink that reads "Donald S. Clark". The signature is written in a cursive style with a long horizontal line extending to the right.

Donald S. Clark
Secretary of the Commission



United States of America
Federal Trade Commission

CIVIL INVESTIGATIVE DEMAND

1. TO Gio-Crystal, LLC 1439 Longdale Dr Norfolk VA23513	1a. MATTER NUMBER 1723080
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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 <input type="checkbox"/> You are required to appear and testify.	
LOCATION OF HEARING	YOUR APPEARANCE WILL BE BEFORE
DATE AND TIME THE DOCUMENTS, ANSWERS TO INTERROGATORIES, REPORTS, AND/OR TANGIBLE THINGS MUST BE AVAILABLE	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.
- You are required to produce the tangible things described on the attached schedule. Produce such things to the Records Custodian named in Item 4 on or before the date specified below.

FEB 27 2018

3. SUBJECT OF INVESTIGATION See attached Schedule and attached resolution.

4. RECORDS CUSTODIAN/DEPUTY RECORDS CUSTODIAN Liberty Holton / Dominique Alepin-Johnson Federal Trade Commission, Western Region 10990 Wilshire Blvd, Ste. 400 Los Angeles, CA 90024 (310) 824-4343	5. COMMISSION COUNSEL John Jacobs Federal Trade Commission, Western Region 10990 Wilshire Blvd, Ste. 400 Los Angeles, CA 90024 (310) 824-4343
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DATE ISSUED 1/25/18	COMMISSIONER'S SIGNATURE
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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://ftc.gov>. Paper copies are available upon request.

Form of Certificate of Compliance*

I/We do certify that all of the documents, information and tangible things 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 or tangible thing 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 its submission 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.

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SPECIFICATIONS

Applicable Time Period: Unless otherwise directed, the applicable time period for the requests set forth below is from January 1, 2015 until the date of full and complete compliance with this CID.

1. All documents received from any bank or other financial institution, or available to you by way of online banking, that reflect, memorialize, or refer to any account which is or was owned or controlled by you, in whole or in part, directly or indirectly. Documents that are responsive to this request include, but are not necessarily limited to, the following: bank account statements; deposit tickets or slips; canceled checks and copies of canceled checks; receipts for withdrawals, cashier's checks, counter checks, or money orders; copies of cashier's checks or money orders; receipts for, and instructions relating to, incoming or outgoing wire transfers; receipts for transfers into or out of the account; letters and electronic communications with the institution; and documents relating to opening the account.

2. All documents received from or provided to MoneyGram (or any company with "MoneyGram" in its name), Western Union (or any company with "Western Union" in its name), or any other money transfer or money transmission service. Documents that are responsive to this request include, but are not necessarily limited to, copies of receipts for purchases; order confirmations (whether paper or email); emails and other communications; and any forms.

3. All agreements, emails, text messages, other communications, and other documents that refer to, were sent to, or were received from any of the following:

- a. Abiolao Abimbola;
- b. Adam Barkley;
- c. Adetokunbo Olajumoke Egbeolu;
- d. Akinyemi Olalekan Akinwande;
- e. Alice Hawkins;
- f. American West Investment Trust;
- g. Bernard Brandford;

- h. Billie Jo Kruize;
- i. Chizoba Anyimukwu;
- j. Crystal Hout;
- k. Damola Ayola Akeju;
- l. Drex Hansen;
- m. Fertizona;
- n. Folasade Ijawar;
- o. Gary Thompson;
- p. Guyatri Heerah;
- q. Ion Muhammad;
- r. Lee Scott Renfro;
- s. Lilian Daniyan;
- t. Lynne Ware;
- u. Manuel Pettigrew;
- v. Mega Source Trading, Inc.;
- w. Moyosoreoluwa Alake Apata;
- x. Ndivhaleni Bridgette Ndou;
- y. Norbert Brecht;
- z. Olufemi Emmanuel Adebessin;
- aa. Olusesan Emmanuel Onipede;
- bb. Oluwaseun Joseph Moliki;
- cc. Oluwasuen Omotola Adebayo;
- dd. Patti Rowley;
- ee. Robert Cowell;
- ff. Salami Raheem Abolade;
- gg. Sierra Sutton;
- hh. Simileoluwa Olorunshola;
- ii. Timothy Watkins;
- jj. TKO Associates;
- kk. Wan Lin; or
- ll. any company or person not named above from which the Company has received, or to which the Company has sent or paid, \$500 or more.

4. All documents reflecting, referring to, or memorializing any sales or other monetary transactions with any of the people or companies listed in Specification No. 3, immediately above.
5. Copies of all contracts and any other agreements that the Company entered into.
6. Copies of all advertisements, marketing or other promotional material, and any documents provided to prospective customers or clients that describe the goods or services offered by or sold by the Company.
7. Customer lists or documents sufficient to identify each company or person who has purchased any good or service from the Company.

DEFINITIONS

The following definitions apply to this CID:

- D-1. “**Company**” or “**you**” or “**your**” means Gio-Crystal, LLC, its wholly or partially owned subsidiaries, unincorporated divisions, joint ventures, operations under assumed names, and affiliates, and all directors, officers, members, employees, agents, consultants, and other persons working for or on behalf of the foregoing.
- D-2. “**Document**” means the complete original, all drafts, and any non-identical copy, whether different from the original because of notations on the copy, different metadata, or otherwise, of any item covered by 15 U.S.C. § 57b-1(a)(5), 16 C.F.R. § 2.7(a)(2), and Federal Rule of Civil Procedure 34(a)(1)(A).
- D-3. “**Identify**” or “**the identity of**” requires identification of (a) natural persons by name, title, present business affiliation, present business address, telephone number, and email address or, if a present business affiliation or present business address is not known, the last known business and home addresses; and (b) businesses or other organizations by name, address, and the identities of your contact persons at the business or organization.

INSTRUCTIONS

- I-1. **Petitions to Limit or Quash:** You must file any petition to limit or quash this CID with the Secretary of the FTC no later than twenty (20) days after service of the CID, or, if the return date is less than twenty (20) days after service, prior to the return date. Such petition must set forth all assertions of protected status or other factual and legal objections to the CID and comply with the requirements set forth in 16 C.F.R. § 2.10(a)(1) – (2). **The FTC will not consider petitions to quash or limit if you have not previously met and conferred with FTC staff and, absent extraordinary circumstances, will consider only issues raised during the meet and confer process.** 16 C.F.R. § 2.7(k); *see also* § 2.11(b). **If you file a petition to limit or**

quash, you must still timely respond to all requests that you do not seek to modify or set aside in your petition. 15 U.S.C. § 57b-1(f); 16 C.F.R. § 2.10(b).

I-2. Withholding Requested Material / Privilege Claims: If you withhold from production any material responsive to this CID based on a claim of privilege, work product protection, statutory exemption, or any similar claim, you must assert the claim no later than the return date of this CID, and you must submit a detailed log, in a searchable electronic format, of the items withheld that identifies the basis for withholding the material and meets all the requirements set forth in 16 C.F.R. § 2.11(a) – (c). The information in the log must be of sufficient detail to enable FTC staff to assess the validity of the claim for each document, including attachments, without disclosing the protected information. If only some portion of any responsive material is privileged, you must submit all non-privileged portions of the material. Otherwise, produce all responsive information and material without redaction. 16 C.F.R. § 2.11(c). The failure to provide information sufficient to support a claim of protected status may result in denial of the claim. 16 C.F.R. § 2.11(a)(1).

I-3. Modification of Specifications: The Bureau Director, a Deputy Bureau Director, Associate Director, Regional Director, or Assistant Regional Director must agree in writing to any modifications of this CID. 16 C.F.R. § 2.7(l).

I-4. Scope of Search: This CID covers documents and information in your possession or under your actual or constructive custody or control, including documents and information in the possession, custody, or control of your attorneys, accountants, directors, officers, employees, service providers, and other agents and consultants, whether or not such documents or information were received from or disseminated to any person or entity.

I-5. Identification of Responsive Documents: For specifications requesting production of documents, you must identify in writing the documents that are responsive to the specification. Documents that may be responsive to more than one specification of this CID need not be produced more than once. If any documents responsive to this CID have been previously supplied to the FTC, you may identify the documents previously provided and the date of submission.

I-6. Maintain Document Order: You must produce documents in the order in which they appear in your files or as electronically stored. If documents are removed from their original folders, binders, covers, containers, or electronic source, you must specify the folder, binder, cover, container, or electronic media or file paths from which such documents came.

I-7. Numbering of Documents: You must number all documents in your submission with a unique identifier such as a Bates number or a document ID.

I-8. Production of Copies: Unless otherwise stated, you may submit copies in lieu of original documents if they are true, correct, and complete copies of the originals and you preserve and retain the originals in their same state as of the time you received this CID. Submission of

copies constitutes a waiver of any claim as to the authenticity of the copies should the FTC introduce such copies as evidence in any legal proceeding.

I-9. **Production in Color:** You must produce copies of advertisements in color, and you must produce copies of other materials in color if necessary to interpret them or render them intelligible.

I-10. **Electronically Stored Information:** See the attached FTC Bureau of Consumer Protection Production Requirements (“Production Requirements”), which detail all requirements for the production of electronically stored information to the FTC. You must discuss issues relating to the production of electronically stored information with FTC staff **prior to** production.

I-11. **Sensitive Personally Identifiable Information (“Sensitive PII”) or Sensitive Health Information (“SHI”):** If any materials responsive to this CID contain Sensitive PII or SHI, please contact FTC counsel before producing those materials to discuss whether there are steps you can take to minimize the amount of Sensitive PII or SHI you produce, and how to securely transmit such information to the FTC.

Sensitive PII includes an individual’s Social Security number; an individual’s biometric data (such as fingerprints or retina scans, but not photographs); and an individual’s name, address, or phone number in combination with one or more of the following: date of birth, Social Security number, driver’s license or state identification number (or foreign country equivalent), passport number, financial account number, credit card number, or debit card number. SHI includes medical records and other individually identifiable health information relating to the past, present, or future physical or mental health or conditions 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.

Federal Trade Commission Bureau of Consumer Protection

Production Requirements

Revised July 2017

In producing information in response to this CID, you must comply with the following production requirements, unless the FTC agrees otherwise. If you have any questions about these requirements, please contact FTC Counsel before production.

Production Format

1. **General Format:** Provide load-ready electronic productions with: (a) an Opticon image load file (.OPT) containing a line for every image file; and (b) a delimited data load file (.DAT) containing a line for every document, with bates references, metadata fields, and native file links, where applicable.
2. **Electronically Stored Information (“ESI”):** Documents stored in electronic format in the ordinary course of business must be produced in the following format:
 - a. For ESI other than the categories described below, submit in native electronic format with extracted text or Optical Character Recognition (OCR), all metadata, and corresponding image renderings converted to Group IV, 300 DPI, single-page Tagged Image File Format (TIFF) or color JPEG images (if color is necessary to interpret the contents or render them intelligible).
 - b. For Microsoft Excel, Access, or PowerPoint files, submit in native format with extracted text and metadata. Data compilations in Excel spreadsheets or in delimited text formats must contain all underlying data, formulas, and algorithms without redaction.
 - c. For other spreadsheet, database, presentation, or multimedia formats; instant messages; or proprietary applications, discuss production format during the meet and confer.
3. **Hard Copy Documents:** Documents stored in hard copy in the ordinary course of business must be scanned and submitted as 300 DPI individual single page TIFFs (or color JPGs when necessary to interpret documents or render them intelligible), with corresponding document-level OCR text and logical document determination in an accompanying load file.
4. **Extracted Text/OCR:** Submit text as document-level text files, named for the beginning bates number, and organized into a folder separate from images. We cannot accept Unicode text files.
5. **Document Identification:** Provide a unique DocId or bates number for each hard copy or electronic document, consisting of a prefix and a consistent number of numerals using leading zeros. Do not use a space to separate the prefix from numbers.
6. **Attachments:** Preserve the parent/child relationship by producing attachments as separate documents, numbering them consecutively to the parent email, and including a reference to all attachments.
7. **Metadata Production:** For each document submitted electronically, include standard metadata fields in a standard ASCII delimited data load file. The first line of the data load file shall include the field names. Submit date and time data in separate fields. Use these delimiters in delimited data load files:

Description	Symbol	ASCII Character
Field Separator	<	20
Quote Character	␣	254

Multi Entry delimiter	®	174
<Return> Value in data	~	126

8. **De-duplication:** Do not use de-duplication or email threading software without FTC counsel approval.
9. **Password-Protected Files:** Remove passwords prior to production. If password removal is not possible, provide the original and production filenames and the password under separate cover.
10. **Sensitive PII or SHI:** Use data encryption to protect any Sensitive PII or SHI (as defined in the CID Schedule). Provide encryption passwords in advance of delivery, under separate cover.

Producing and Submitting Media to the FTC

1. Prior to production, scan all media and data for viruses and confirm the media and data are virus-free.
2. For productions smaller than 50 GB, the FTC can accept electronic file transfer via FTC-hosted secure file transfer protocol (Accellion or SecureZip). Contact FTC counsel to request this option. The FTC cannot accept files via Dropbox, Google Drive, OneDrive, or other third-party file transfer sites.
3. Use the least amount of media necessary for productions. Acceptable media formats are CDs, DVDs, flash drives, and hard drives. Format all media for use with Windows 7.
4. Use a courier service (e.g., Federal Express, UPS) because heightened security measures delay postal delivery. Mark the exterior of all packages containing electronic media with the following:

MAGNETIC MEDIA – DO NOT X-RAY
MAY BE OPENED FOR INSPECTION

5. Provide a production transmittal letter with each production that includes:
 - a. Production volume name (e.g., Volume 1), date of production, and numeric DocID number range of all documents included in the production;
 - b. List of custodians and the DocID number range for each custodian;
 - c. Total number of records and all underlying images, emails, and associated attachments, native files, and databases in the production
 - d. List of load file fields in the order in which they are organized in the data file.

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman
Maureen K. Ohlhausen
Terrell McSweeney

RESOLUTION DIRECTING USE OF COMPULSORY PROCESS IN NON-PUBLIC
INVESTIGATION OF UNNAMED PERSONS, PARTNERSHIPS OR CORPORATIONS
ENGAGED IN THE DECEPTIVE OR UNFAIR USE OF E-MAIL, METATAGS,
COMPUTER CODE OR PROGRAMS, OR DECEPTIVE OR UNFAIR PRACTICES
INVOLVING INTERNET-RELATED GOODS OR SERVICES

File No. 9923259

Nature and Scope of Investigation:

To determine whether unnamed persons, partnerships or corporations have been or are engaged in the deceptive or unfair use of e-mail, metatags, computer code or programs, or deceptive or unfair practices involving Internet-related goods or services, in violation of Sections 5 or 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45, 52, as amended. The investigation is also to determine whether Commission action to obtain equitable monetary relief for injury to consumers or others would be in the public interest.

The Federal Trade Commission hereby resolves and directs that any and all compulsory processes available to it be used in connection with this investigation for a period not to exceed five years from the date of issuance of this resolution. The expiration of this five-year period shall not limit or terminate the investigation or the legal effect of any compulsory process issued during the five-year period. The Federal Trade Commission specifically authorizes the filing or continuation of actions to enforce any such compulsory process after the expiration of the five-year period.

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. Part 1.1 et seq. and supplements thereto.

By direction of the Commission,


Donald S. Clark
Secretary

Issued: August 1, 2016

Petition Exhibit 5

Civil Investigative Demand to EBDM LLC

(Jan. 25, 2018)



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Via Federal Express

EBDM LLC
c/o Monshay Swain
6118 Edward St., Apt 201
Norfolk, VA 23513

FTC Matter No. 1723080

Dear Ms. Swain:

The Federal Trade Commission ("FTC") has issued the attached Civil Investigative Demand ("CID") asking for information as part of a non-public investigation. Our purpose is to determine whether EBDM LLC or associated persons or entities have engaged in unfair or deceptive acts or practices in connection with receiving and transferring money that was obtained by deceptive or other wrongful acts, in violation of the FTC Act, 15 U.S.C. § 45, and whether Commission action to obtain redress for injury to consumers or others would be in the public interest. Please read the attached documents carefully. Here are a few important points we would like to highlight:

1. **Contact FTC counsel, John Jacobs / (310) 824-4343 / jjacobs@ftc.gov, as soon as possible to schedule an initial meeting to be held within 14 days.** You can meet in person or by phone to discuss any questions you have, including whether there are changes to how you comply with the CID that would reduce your cost or burden while still giving the FTC the information it needs. Please read the attached documents for more information about that meeting.
2. **You must immediately stop any routine procedures for electronic or paper document destruction, and you must preserve all paper or electronic documents** that are in any way relevant to this investigation, even if you believe the documents are protected from discovery by privilege or some other reason.
3. **The FTC will use information you provide in response to the CID for the purpose of investigating violations of the laws the FTC enforces.** We will not disclose the information under the Freedom of Information Act, 5 U.S.C. § 552. We may disclose the information in response to a valid request from Congress, or other civil or criminal federal, state, local, or foreign law enforcement agencies for their official law enforcement purposes. The FTC or other agencies may use and disclose your response in any federal, state, or foreign civil or criminal proceeding, or if

required to do so by law. However, we will not publicly disclose your information without giving you prior notice.

4. **Please read the attached documents closely.** They contain important information about how you should provide your response.

Please contact FTC counsel as soon as possible to set up an initial meeting. We appreciate your cooperation.

Very truly yours,



Donald S. Clark

Secretary of the Commission



United States of America
Federal Trade Commission

CIVIL INVESTIGATIVE DEMAND

<p>1. TO</p> <p>EBDM LLC 6118 Edward St., Apt. 201 Norfolk, VA 23513</p>	<p>1a. MATTER NUMBER</p> <p>1723080</p>
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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.

<p>LOCATION OF HEARING</p>	<p>YOUR APPEARANCE WILL BE BEFORE</p> <p>DATE AND TIME OF HEARING OR DEPOSITION</p>
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- 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.
- You are required to produce the tangible things described on the attached schedule. Produce such things to the Records Custodian named in Item 4 on or before the date specified below.


DATE AND TIME THE DOCUMENTS, ANSWERS TO INTERROGATORIES, REPORTS, AND/OR TANGIBLE THINGS MUST BE AVAILABLE

FEB 27 2018

3. SUBJECT OF INVESTIGATION

See attached Schedule and attached resolution.

<p>4. RECORDS CUSTODIAN/DEPUTY RECORDS CUSTODIAN</p> <p>Liberty Holton / Dominique Alepin-Johnson Federal Trade Commission, Western Region 10990 Wilshire Blvd. Ste. 400 Los Angeles, CA 90024 (310) 824-4343</p>	<p>5. COMMISSION COUNSEL</p> <p>John Jacobs Federal Trade Commission, Western Region 10990 Wilshire Blvd. Ste. 400 Los Angeles, CA 90024 (310) 824-4343</p>
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<p>DATE ISSUED</p> <p>1/25/18</p>	<p>COMMISSIONER'S SIGNATURE</p> 
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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 www.ftc.gov/ftc/ftcpract. Paper copies are available upon request.

Form of Certificate of Compliance*

I/We do certify that all of the documents, information and tangible things 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 or tangible thing 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 its submission 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.

**FEDERAL TRADE COMMISSION (“FTC”)
CIVIL INVESTIGATIVE DEMAND (“CID”) SCHEDULE**

Meet and Confer: You must contact FTC counsel, **John Jacobs**, at **(310) 824-4343** or **jjacobs@ftc.gov**, as soon as possible to schedule a meeting (telephonic or in person) to be held within fourteen (14) days after you receive this CID. At the meeting, you must discuss with FTC counsel any questions you have regarding this CID or any possible CID modifications that could reduce your cost, burden, or response time yet still provide the FTC with the information it needs to pursue its investigation. The meeting also will address how to assert any claims of protected status (e.g., privilege, work-product, etc.) and the production of electronically stored information. You must make available at the meeting personnel knowledgeable about your information or records management systems, your systems for electronically stored information, custodians likely to have information responsive to this CID, and any other issues relevant to compliance with this CID.

Document Retention: You must retain all documentary materials used in preparing responses to this CID. The FTC may require the submission of additional documents later during this investigation. **Accordingly, you must suspend any routine procedures for document destruction and take other measures to prevent the destruction of documents** that are in any way relevant to this investigation, even if you believe those documents are protected from discovery. *See* 15 U.S.C. § 50; *see also* 18 U.S.C. §§ 1505, 1519.

Sharing of Information: The FTC will use information you provide in response to the CID for the purpose of investigating violations of the laws the FTC enforces. We will not disclose such information under the Freedom of Information Act, 5 U.S.C. § 552. We also will not disclose such information, except as allowed under the FTC Act (15 U.S.C. § 57b-2), the Commission’s Rules of Practice (16 C.F.R. §§ 4.10 & 4.11), or if required by a legal obligation. Under the FTC Act, we may provide your information in response to a request from Congress or a proper request from another law enforcement agency. However, we will not publicly disclose such information without giving you prior notice.

Manner of Production: You may produce documentary material or tangible things by making them available for inspection and copying at your principal place of business. Alternatively, you may send all responsive documents and tangible things to **John Jacobs, Federal Trade Commission, 10990 Wilshire Blvd., Suite 400, Los Angeles, CA 90024**. If you are sending the materials, use a courier service such as Federal Express or UPS because heightened security measures delay postal delivery to the FTC. You must inform FTC counsel by email or telephone of how you intend to produce materials responsive to this CID at least five days before the return date.

Certification of Compliance: You or any person with knowledge of the facts and circumstances relating to the responses to this CID must certify that such responses are complete by completing the “Form of Certificate of Compliance” set forth on the back of the CID form or by signing a declaration under penalty of perjury pursuant to 28 U.S.C. § 1746.

Definitions and Instructions: Please review carefully the Definitions and Instructions that appear after the Specifications and provide important information regarding compliance with this CID.

SUBJECT OF THE INVESTIGATION

Whether the Company or associated persons or entities have engaged in unfair or deceptive acts or practices in connection with receiving and transferring money that was obtained by deceptive or other wrongful acts, in violation of the FTC Act, 15 U.S.C. § 45, and whether Commission action to obtain redress for injury to consumers or others would be in the public interest. See also attached resolution.

SPECIFICATIONS

Applicable Time Period: Unless otherwise directed, the applicable time period for the requests set forth below is from January 1, 2015 until the date of full and complete compliance with this CID.

1. All documents received from any bank or other financial institution, or available to you by way of online banking, that reflect, memorialize, or refer to any account which is or was owned or controlled by you, in whole or in part, directly or indirectly. Documents that are responsive to this request include, but are not necessarily limited to, the following: bank account statements; deposit tickets or slips; canceled checks and copies of canceled checks; receipts for withdrawals, cashier's checks, counter checks, or money orders; copies of cashier's checks or money orders; receipts for, and instructions relating to, incoming or outgoing wire transfers; receipts for transfers into or out of the account; letters and electronic communications with the institution; and documents relating to opening the account.

2. All documents received from or provided to MoneyGram (or any company with "MoneyGram" in its name), Western Union (or any company with "Western Union" in its name), or any other money transfer or money transmission service. Documents that are responsive to this request include, but are not necessarily limited to, copies of receipts for purchases; order confirmations (whether paper or email); emails and other communications; and any forms.

3. All agreements, emails, text messages, other communications, and other documents that refer to, were sent to, or were received from any of the following:

- a. Abiolao Abimbola;
- b. Adam Barkley;
- c. Adetokunbo Olajumoke Egbeolu;
- d. Akinyemi Olalekan Akinwande;
- e. Alice Hawkins;
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- g. Bernard Brandford;

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- i. Chizoba Anyimukwu;
- j. Crystal Hout;
- k. Damola Ayola Akeju;
- l. Drex Hansen;
- m. Fertizona;
- n. Folasade Ijawar;
- o. Gary Thompson;
- p. Guyatri Heerah;
- q. Ion Muhammad;
- r. Lee Scott Renfro;
- s. Lilian Daniyan;
- t. Lynne Ware;
- u. Manuel Pettigrew;
- v. Mega Source Trading, Inc.;
- w. Moyosoreoluwa Alake Apata;
- x. Ndivhaleni Bridgette Ndou;
- y. Norbert Brecht;
- z. Olufemi Emmanuel Adebesein;
- aa. Olusesan Emmanuel Onipede;
- bb. Oluwaseun Joseph Moliki;
- cc. Oluwasuen Omotola Adebayo;
- dd. Patti Rowley;
- ee. Robert Cowell;
- ff. Salami Raheem Abolade;
- gg. Sierra Sutton;
- hh. Simileoluwa Olorunshola;
- ii. Timothy Watkins;
- jj. TKO Associates;
- kk. Wan Lin; or
- ll. any company or person not named above from which the Company has received, or to which the Company has sent or paid, \$500 or more.

4. All documents reflecting, referring to, or memorializing any sales or other monetary transactions with any of the people or companies listed in Specification No. 3, immediately above.
5. Copies of all contracts and any other agreements that the Company entered into.
6. Copies of all advertisements, marketing or other promotional material, and any documents provided to prospective customers or clients that describe the goods or services offered by or sold by the Company.
7. Customer lists or documents sufficient to identify each company or person who has purchased any good or service from the Company.

DEFINITIONS

The following definitions apply to this CID:

- D-1. “**Company**” or “**you**” or “**your**” means EBDM LLC, its wholly or partially owned subsidiaries, unincorporated divisions, joint ventures, operations under assumed names, and affiliates, and all directors, officers, members, employees, agents, consultants, and other persons working for or on behalf of the foregoing.
- D-2. “**Document**” means the complete original, all drafts, and any non-identical copy, whether different from the original because of notations on the copy, different metadata, or otherwise, of any item covered by 15 U.S.C. § 57b-1(a)(5), 16 C.F.R. § 2.7(a)(2), and Federal Rule of Civil Procedure 34(a)(1)(A).
- D-3. “**Identify**” or “**the identity of**” requires identification of (a) natural persons by name, title, present business affiliation, present business address, telephone number, and email address or, if a present business affiliation or present business address is not known, the last known business and home addresses; and (b) businesses or other organizations by name, address, and the identities of your contact persons at the business or organization.

INSTRUCTIONS

- I-1. **Petitions to Limit or Quash:** You must file any petition to limit or quash this CID with the Secretary of the FTC no later than twenty (20) days after service of the CID, or, if the return date is less than twenty (20) days after service, prior to the return date. Such petition must set forth all assertions of protected status or other factual and legal objections to the CID and comply with the requirements set forth in 16 C.F.R. § 2.10(a)(1) – (2). **The FTC will not consider petitions to quash or limit if you have not previously met and conferred with FTC staff and, absent extraordinary circumstances, will consider only issues raised during the meet and confer process.** 16 C.F.R. § 2.7(k); *see also* § 2.11(b). **If you file a petition to limit or**

quash, you must still timely respond to all requests that you do not seek to modify or set aside in your petition. 15 U.S.C. § 57b-1(f); 16 C.F.R. § 2.10(b).

I-2. Withholding Requested Material / Privilege Claims: If you withhold from production any material responsive to this CID based on a claim of privilege, work product protection, statutory exemption, or any similar claim, you must assert the claim no later than the return date of this CID, and you must submit a detailed log, in a searchable electronic format, of the items withheld that identifies the basis for withholding the material and meets all the requirements set forth in 16 C.F.R. § 2.11(a) – (c). The information in the log must be of sufficient detail to enable FTC staff to assess the validity of the claim for each document, including attachments, without disclosing the protected information. If only some portion of any responsive material is privileged, you must submit all non-privileged portions of the material. Otherwise, produce all responsive information and material without redaction. 16 C.F.R. § 2.11(c). The failure to provide information sufficient to support a claim of protected status may result in denial of the claim. 16 C.F.R. § 2.11(a)(1).

I-3. Modification of Specifications: The Bureau Director, a Deputy Bureau Director, Associate Director, Regional Director, or Assistant Regional Director must agree in writing to any modifications of this CID. 16 C.F.R. § 2.7(l).

I-4. Scope of Search: This CID covers documents and information in your possession or under your actual or constructive custody or control, including documents and information in the possession, custody, or control of your attorneys, accountants, directors, officers, employees, service providers, and other agents and consultants, whether or not such documents or information were received from or disseminated to any person or entity.

I-5. Identification of Responsive Documents: For specifications requesting production of documents, you must identify in writing the documents that are responsive to the specification. Documents that may be responsive to more than one specification of this CID need not be produced more than once. If any documents responsive to this CID have been previously supplied to the FTC, you may identify the documents previously provided and the date of submission.

I-6. Maintain Document Order: You must produce documents in the order in which they appear in your files or as electronically stored. If documents are removed from their original folders, binders, covers, containers, or electronic source, you must specify the folder, binder, cover, container, or electronic media or file paths from which such documents came.

I-7. Numbering of Documents: You must number all documents in your submission with a unique identifier such as a Bates number or a document ID.

I-8. Production of Copies: Unless otherwise stated, you may submit copies in lieu of original documents if they are true, correct, and complete copies of the originals and you preserve and retain the originals in their same state as of the time you received this CID. Submission of

copies constitutes a waiver of any claim as to the authenticity of the copies should the FTC introduce such copies as evidence in any legal proceeding.

I-9. Production in Color: You must produce copies of advertisements in color, and you must produce copies of other materials in color if necessary to interpret them or render them intelligible.

I-10. Electronically Stored Information: See the attached FTC Bureau of Consumer Protection Production Requirements (“Production Requirements”), which detail all requirements for the production of electronically stored information to the FTC. You must discuss issues relating to the production of electronically stored information with FTC staff **prior to** production.

I-11. Sensitive Personally Identifiable Information (“Sensitive PII”) or Sensitive Health Information (“SHI”): If any materials responsive to this CID contain Sensitive PII or SHI, please contact FTC counsel before producing those materials to discuss whether there are steps you can take to minimize the amount of Sensitive PII or SHI you produce, and how to securely transmit such information to the FTC.

Sensitive PII includes an individual’s Social Security number; an individual’s biometric data (such as fingerprints or retina scans, but not photographs); and an individual’s name, address, or phone number in combination with one or more of the following: date of birth, Social Security number, driver’s license or state identification number (or foreign country equivalent), passport number, financial account number, credit card number, or debit card number. SHI includes medical records and other individually identifiable health information relating to the past, present, or future physical or mental health or conditions 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.

Federal Trade Commission Bureau of Consumer Protection
Production Requirements
 Revised July 2017

In producing information in response to this CID, you must comply with the following production requirements, unless the FTC agrees otherwise. If you have any questions about these requirements, please contact FTC Counsel before production.

Production Format

1. **General Format:** Provide load-ready electronic productions with: (a) an Opticon image load file (.OPT) containing a line for every image file; and (b) a delimited data load file (.DAT) containing a line for every document, with bates references, metadata fields, and native file links, where applicable.
2. **Electronically Stored Information (“ESI”):** Documents stored in electronic format in the ordinary course of business must be produced in the following format:
 - a. For ESI other than the categories described below, submit in native electronic format with extracted text or Optical Character Recognition (OCR), all metadata, and corresponding image renderings converted to Group IV, 300 DPI, single-page Tagged Image File Format (TIFF) or color JPEG images (if color is necessary to interpret the contents or render them intelligible).
 - b. For Microsoft Excel, Access, or PowerPoint files, submit in native format with extracted text and metadata. Data compilations in Excel spreadsheets or in delimited text formats must contain all underlying data, formulas, and algorithms without redaction.
 - c. For other spreadsheet, database, presentation, or multimedia formats; instant messages; or proprietary applications, discuss production format during the meet and confer.
3. **Hard Copy Documents:** Documents stored in hard copy in the ordinary course of business must be scanned and submitted as 300 DPI individual single page TIFFs (or color JPGs when necessary to interpret documents or render them intelligible), with corresponding document-level OCR text and logical document determination in an accompanying load file.
4. **Extracted Text/OCR:** Submit text as document-level text files, named for the beginning bates number, and organized into a folder separate from images. We cannot accept Unicode text files.
5. **Document Identification:** Provide a unique DocId or bates number for each hard copy or electronic document, consisting of a prefix and a consistent number of numerals using leading zeros. Do not use a space to separate the prefix from numbers.
6. **Attachments:** Preserve the parent/child relationship by producing attachments as separate documents, numbering them consecutively to the parent email, and including a reference to all attachments.
7. **Metadata Production:** For each document submitted electronically, include standard metadata fields in a standard ASCII delimited data load file. The first line of the data load file shall include the field names. Submit date and time data in separate fields. Use these delimiters in delimited data load files:

Description	Symbol	ASCII Character
Field Separator	<	20
Quote Character	␣	254

Multi Entry delimiter	®	174
<Return> Value in data	~	126

8. **De-duplication:** Do not use de-duplication or email threading software without FTC counsel approval.
9. **Password-Protected Files:** Remove passwords prior to production. If password removal is not possible, provide the original and production filenames and the password under separate cover.
10. **Sensitive PII or SHI:** Use data encryption to protect any Sensitive PII or SHI (as defined in the CID Schedule). Provide encryption passwords in advance of delivery, under separate cover.

Producing and Submitting Media to the FTC

1. Prior to production, scan all media and data for viruses and confirm the media and data are virus-free.
2. For productions smaller than 50 GB, the FTC can accept electronic file transfer via FTC-hosted secure file transfer protocol (Accellion or SecureZip). Contact FTC counsel to request this option. The FTC cannot accept files via Dropbox, Google Drive, OneDrive, or other third-party file transfer sites.
3. Use the least amount of media necessary for productions. Acceptable media formats are CDs, DVDs, flash drives, and hard drives. Format all media for use with Windows 7.
4. Use a courier service (e.g., Federal Express, UPS) because heightened security measures delay postal delivery. Mark the exterior of all packages containing electronic media with the following:

MAGNETIC MEDIA – DO NOT X-RAY
MAY BE OPENED FOR INSPECTION

5. Provide a production transmittal letter with each production that includes:
 - a. Production volume name (e.g., Volume 1), date of production, and numeric DocID number range of all documents included in the production;
 - b. List of custodians and the DocID number range for each custodian;
 - c. Total number of records and all underlying images, emails, and associated attachments, native files, and databases in the production
 - d. List of load file fields in the order in which they are organized in the data file.

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman
Maureen K. Ohlhausen
Terrell McSweeney

RESOLUTION DIRECTING USE OF COMPULSORY PROCESS IN NON-PUBLIC
INVESTIGATION OF UNNAMED PERSONS, PARTNERSHIPS OR CORPORATIONS
ENGAGED IN THE DECEPTIVE OR UNFAIR USE OF E-MAIL, METATAGS,
COMPUTER CODE OR PROGRAMS, OR DECEPTIVE OR UNFAIR PRACTICES
INVOLVING INTERNET-RELATED GOODS OR SERVICES

File No. 9923259

Nature and Scope of Investigation:

To determine whether unnamed persons, partnerships or corporations have been or are engaged in the deceptive or unfair use of e-mail, metatags, computer code or programs, or deceptive or unfair practices involving Internet-related goods or services, in violation of Sections 5 or 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45, 52, as amended. The investigation is also to determine whether Commission action to obtain equitable monetary relief for injury to consumers or others would be in the public interest.

The Federal Trade Commission hereby resolves and directs that any and all compulsory processes available to it be used in connection with this investigation for a period not to exceed five years from the date of issuance of this resolution. The expiration of this five-year period shall not limit or terminate the investigation or the legal effect of any compulsory process issued during the five-year period. The Federal Trade Commission specifically authorizes the filing or continuation of actions to enforce any such compulsory process after the expiration of the five-year period.

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. Part 1.1 et seq. and supplements thereto.

By direction of the Commission,



Donald S. Clark
Secretary

Issued: August 1, 2016

Petition Exhibit 6

FedEx Delivery Confirmations for CIDs

(Feb. 1, 2018; Feb. 12, 2018)


Kappler, Burke

From: TrackingUpdates@fedex.com
Sent: Thursday, February 01, 2018 2:30 PM
To: Jacobs, John D.
Subject: FedEx Shipment 771358218367 Delivered

Your package has been delivered

Tracking # 771358218367



Ship date: Tue, 1/30/2018		Delivery date: Thu, 2/1/2018 2:27 pm
Crystal McCoy-Hunter Federal Trade Commission Washington, DC 20580 US	Delivered	Monshay Swain 1439 Longdale Drive NORFOLK, VA 23513 US


Shipment Facts

Our records indicate that the following package has been delivered.

Tracking number:	771358218367
Status:	Delivered: 02/01/2018 2:27 PM Signed for By: D.PERKINS
Purchase order number:	0612
Reference:	589284/1723080
Signed for by:	D.PERKINS
Delivery location:	NORFOLK, VA
Delivered to:	Residence
Service type:	FedEx 2Day
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	0.50 lb.
Special handling/Services:	Direct Signature Required
	Deliver Weekday

Residential Delivery

Standard transit: 2/1/2018 by 8:00 pm

 Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 1:29 PM CST on 02/01/2018.

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above.

Standard transit is the date and time the package is scheduled to be delivered by, based on the selected service, destination and ship date. Limitations and exceptions may apply. Please see the FedEx Service Guide for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx Customer Support representative.

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Thank you for your business.


Kappler, Burke

From: TrackingUpdates@fedex.com
Sent: Thursday, February 01, 2018 2:29 PM
To: Jacobs, John D.
Subject: FedEx Shipment 771358193922 Delivered

Your package has been delivered

Tracking # 771358193922



Ship date: Tue, 1/30/2018		Delivery date: Thu, 2/1/2018 2:27 pm
Crystal McCoy-Hunter Federal Trade Commission Washington, DC 20580 US	Delivered	Damilare Adebayo 1439 Longdale Drive NORFOLK, VA 23513 US


Shipment Facts

Our records indicate that the following package has been delivered.

Tracking number:	771358193922
Status:	Delivered: 02/01/2018 2:27 PM Signed for By: D.PERKINS
Purchase order number:	0612
Reference:	589284
Signed for by:	D.PERKINS
Delivery location:	NORFOLK, VA
Delivered to:	Residence
Service type:	FedEx 2Day
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	0.50 lb.
Special handling/Services:	Direct Signature Required
	Deliver Weekday

Residential Delivery

Standard transit: 2/1/2018 by 8:00 pm

 Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 1:29 PM CST on 02/01/2018.

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above.

Standard transit is the date and time the package is scheduled to be delivered by, based on the selected service, destination and ship date. Limitations and exceptions may apply. Please see the FedEx Service Guide for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx Customer Support representative.

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Thank you for your business.

Kappler, Burke

From: TrackingUpdates@fedex.com
Sent: Thursday, February 01, 2018 2:30 PM
To: Jacobs, John D.
Subject: FedEx Shipment 771357980343 Delivered

Your package has been delivered

Tracking # 771357980343



Ship date:
Tue, 1/30/2018

Crystal McCoy-Hunter
Federal Trade
Commission
Washington, DC 20580
US



Delivery date:
Thu, 2/1/2018 2:27
pm

c/o Monshay Swain
Gio-Crystal, LLC
1439 Longdale Dr.
NORFOLK, VA 23513
US


Shipment Facts

Our records indicate that the following package has been delivered.

Tracking number:	771357980343
Status:	Delivered: 02/01/2018 2:27 PM Signed for By: D.PERKINS
Purchase order number:	0612
Reference:	589284/1723080
Signed for by:	D.PERKINS
Delivery location:	NORFOLK, VA
Delivered to:	Residence
Service type:	FedEx 2Day
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	0.50 lb.
Special handling/Services:	Direct Signature Required
	Deliver Weekday

Residential Delivery

Standard transit: 2/1/2018 by 8:00 pm

 Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 1:29 PM CST on 02/01/2018.

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above.

Standard transit is the date and time the package is scheduled to be delivered by, based on the selected service, destination and ship date. Limitations and exceptions may apply. Please see the FedEx Service Guide for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx Customer Support representative.

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Thank you for your business.


Kappler, Burke

From: TrackingUpdates@fedex.com
Sent: Monday, February 12, 2018 2:30 PM
To: Jacobs, John D.
Subject: FedEx Shipment 771426064195 Delivered

Your package has been delivered

Tracking # 771426064195



Ship date: Wed, 2/7/2018	Delivery date: Mon, 2/12/2018 2:25 pm
Crystal McCoy-Hunter Federal Trade Commission Washington, DC 20580 US	 Delivered
	c/o Monshay Swain EBDM LLC 1439 Longdale Drive NORFOLK, VA 23513 US

Shipment Facts

Our records indicate that the following package has been delivered.

Tracking number:	771426064195
Status:	Delivered: 02/12/2018 2:25 PM Signed for By: D.PERKINS
Door Tag number:	DT104848150470
Purchase order number:	0612
Reference:	589284/1723080
Signed for by:	D.PERKINS
Delivery location:	NORFOLK, VA
Delivered to:	Residence
Service type:	FedEx 2Day
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	0.50 lb.
Special handling/Services:	Direct Signature Required

Deliver Weekday

Residential Delivery

Standard transit: 2/9/2018 by 8:00 pm

✉ Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 1:30 PM CST on 02/12/2018.

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above.

Standard transit is the date and time the package is scheduled to be delivered by, based on the selected service, destination and ship date. Limitations and exceptions may apply. Please see the FedEx Service Guide for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx Customer Support representative.

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Thank you for your business.

Petition Exhibit 7

Letters from Dominique Alepin
to Monshay Swain

(Mar. 6, 2018; Mar. 7, 2018)



United States of America
FEDERAL TRADE COMMISSION
10990 Wilshire Blvd., Ste. 400
Los Angeles, CA 90024
(310) 824-4343

March 6, 2018

BY FEDEX

Monshay Swain
1439 Longdale Drive
Norfolk, VA 23513

Re: FTC Matter No. 1723080

Dear Ms. Swain:

The Federal Trade Commission issued a Civil Investigative Demand ("CID") to you in the above-referenced matter on January 27, 2018, which you received on February 1, 2018. The CID directed you to produce documents by February 27, 2018, and to appear for an Investigational Hearing in Norfolk, VA on March 13, 2018 at 1:00 p.m. A copy of the CID is enclosed for your convenience.

The location of the Investigational Hearing for the testimony of Damilare Adebayo scheduled to take place on March 13, 2018 at 1:00 p.m. has been changed. You are now compelled to appear at:

WHERE: Zahn Reporting at 208 East Plume Street, Ste 214, Norfolk, VA 23510
WHEN: March 13, 2018 at 1pm

To date, we have not received any of the documents that you were directed to produce.

Please contact FTC attorney John Jacobs at 310-824-4360 if you have any objections or questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dominique Alepin".

Dominique Alepin
Assistant Director
Western Region-Los Angeles

Enclosure



United States of America
FEDERAL TRADE COMMISSION
10990 Wilshire Blvd., Ste. 400
Los Angeles, CA 90024
(310) 824-4343

March 7, 2018

By 1st Class Mail

Monshay Swain
1439 Longdale Drive
Norfolk, VA 23513

Re: FTC Matter No. 1723080

Dear Ms. Swain:

The Federal Trade Commission issued a Civil Investigative Demand (“CID”) to you in the above-referenced matter on January 27, 2018, which you received on February 1, 2018. The CID directed you to produce documents by February 27, 2018, and to appear for an Investigational Hearing in Norfolk, VA on March 13, 2013 at 1:00 p.m. A copy of the CID is enclosed for your convenience.

The location of the Investigational Hearing for the testimony of Damilare Adebayo scheduled to take place on March 13, 2018 at 1:00 p.m. has been changed. You are now compelled to appear at:

WHERE: Zahn Reporting at 208 East Plume Street, Ste 214, Norfolk, VA 23510
WHEN: March 13, 2018 at 1pm

To date, we have not received any of the documents that you were directed to produce.

Please contact me at 310-824-4360 if you have any objections or questions.

Sincerely,

A handwritten signature in blue ink that reads "John D. Jacobs".

John D. Jacobs
Attorney

Enclosure

Petition Exhibit 8

Letters from Dominique Alepin
to Damilare Adebayo

(Mar. 6, 2018; Mar. 7, 2018)



United States of America
FEDERAL TRADE COMMISSION
10990 Wilshire Blvd., Ste. 400
Los Angeles, CA 90024
(310) 824-4343

March 6, 2018

BY FEDEX

Damilare Adebayo
1439 Longdale Drive
Norfolk, VA 23513

Re: FTC Matter No. 1723080

Dear Mr. Adebayo:

The Federal Trade Commission issued a Civil Investigative Demand ("CID") to you in the above-referenced matter on January 27, 2018, which you received on February 1, 2018. The CID directed you to produce documents by February 27, 2018, and to appear for an Investigational Hearing in Norfolk, VA on March 13, 2018 at 8:30 a.m. A copy of the CID is enclosed for your convenience.

The location of the Investigational Hearing for testimony of Damilare Adebayo scheduled to take place on March 13, 2018 at 8:30 a.m. has been changed. You are now compelled to appear at:

WHERE: Zahn Reporting at 208 East Plume Street, Ste 214, Norfolk, VA 23510
WHEN: March 13, 2018 at 8:30 a.m.

To date, we have not received any of the documents that you were directed to produce.

Please contact FTC attorney John Jacobs at 310-824-4360 if you have any objections or questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dominique Alepin".

Dominique Alepin
Assistant Director
Western Region-Los Angeles

Enclosure

FTC Petition, Exhibit 8



United States of America
FEDERAL TRADE COMMISSION
10990 Wilshire Blvd., Ste. 400
Los Angeles, CA 90024
(310) 824-4343

March 7, 2018

By 1st Class Mail

Damilare Adebayo
1439 Longdale Drive
Norfolk, VA 23513

Re: FTC Matter No. 1723080

Dear Mr. Adebayo:

The Federal Trade Commission issued a Civil Investigative Demand (“CID”) to you in the above-referenced matter on January 27, 2018, which you received on February 1, 2018. The CID directed you to produce documents by February 27, 2018, and to appear for an Investigational Hearing in Norfolk, VA on March 13, 2013 at 8:30 a.m. A copy of the CID is enclosed for your convenience.

The location of the Investigational Hearing for testimony of Damilare Adebayo scheduled to take place on March 13, 2018 at 8:30 a.m. has been changed. You are now compelled to appear at:

WHERE: Zahn Reporting at 208 East Plume Street, Ste 214, Norfolk, VA 23510
WHEN: March 13, 2018 at 8:30 a.m.

To date, we have not received any of the documents that you were directed to produce.

Please contact me at 310-824-4360 if you have any objections or questions.

Sincerely,

A handwritten signature in blue ink that reads "John D. Jacobs".

John D. Jacobs
Attorney

Enclosure

Petition Exhibit 9

FedEx Delivery Confirmations
for March 6, 2018, Letters

Kappler, Burke

From: TrackingUpdates@fedex.com
Sent: Wednesday, March 07, 2018 3:24 PM
To: Jacobs, John D.
Subject: FedEx Shipment 771737104820 Delivered

Your package has been delivered

Tracking # [771737104820](#)



Ship date:
Tue, 3/6/2018

Libby Holton
Federal Trade
Commission
Los Angeles, CA 90024
US



Delivery date:
Wed, 3/7/2018
3:19 pm

Monshay Swain
1439 Longdale Drive
NORFOLK, VA 23513
US

Shipment Facts

Our records indicate that the following package has been delivered.


Tracking number:	771737104820
Status:	Delivered: 03/07/2018 3:19 PM Signed for By: Signature not required
Purchase order number:	1684
Reference:	Document
Signed for by:	Signature not required
Delivery location:	NORFOLK, VA
Delivered to:	Residence
Service type:	FedEx Standard Overnight
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	0.50 lb.

Special Deliver Weekday

handling/Services:

Residential Delivery

Standard transit: 3/7/2018 by 8:00 pm

 Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 2:23 PM CST on 03/07/2018.

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above.

Standard transit is the date and time the package is scheduled to be delivered by, based on the selected service, destination and ship date. Limitations and exceptions may apply. Please see the FedEx Service Guide for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx Customer Support representative.

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Thank you for your business.

Kappler, Burke

From: TrackingUpdates@fedex.com
Sent: Wednesday, March 07, 2018 3:23 PM
To: Jacobs, John D.
Subject: FedEx Shipment 771737138667 Delivered

Your package has been delivered

Tracking # 771737138667



Ship date:
Tue, 3/6/2018

Libby Holton
Federal Trade
Commission
Los Angeles, CA 90024
US



Delivery date:
Wed, 3/7/2018
3:19 pm

Damilare Adebayo
1439 Longdale Drive
NORFOLK, VA 23513
US

Shipment Facts

Our records indicate that the following package has been delivered.


Tracking number:	771737138667
Status:	Delivered: 03/07/2018 3:19 PM Signed for By: Signature not required
Purchase order number:	1684
Reference:	Letter
Signed for by:	Signature not required
Delivery location:	NORFOLK, VA
Delivered to:	Residence
Service type:	FedEx Standard Overnight
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	0.50 lb.

Special Deliver Weekday

handling/Services:

Residential Delivery

Standard transit: 3/7/2018 by 8:00 pm

 Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 2:23 PM CST on 03/07/2018.

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above.

Standard transit is the date and time the package is scheduled to be delivered by, based on the selected service, destination and ship date. Limitations and exceptions may apply. Please see the FedEx Service Guide for terms and conditions of service, including the FedEx Money-Back Guarantee, or contact your FedEx Customer Support representative.

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Thank you for your business.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Federal Trade Commission

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Clare P. Wuerker, Assistant United States Attorney One World Trade Center, Suite 8000 101 W. Main Street, Norfolk, VA 23510 (757) 441-6331

DEFENDANTS

Monshay Swain, Damilare Adebayo, Gio-Crystal, LLC, and EBDM LLC

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. Section 57-b-1

Brief description of cause: Petition for Order to Show Cause

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 07/18/2018 SIGNATURE OF ATTORNEY OF RECORD /s/ Clare P. Wuerker

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.