

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

_____))
In the Matter of))
) **No. 2223077**
April 12, 2022 Civil Investigative Demand))
Issued to Liberty Auto City, Inc.))
_____))

**LIBERTY AUTO CITY, INC.’S
PETITION TO MODIFY OR QUASH CIVIL INVESTIGATIVE DEMAND**

Petitioner, Liberty Auto City, Inc. (“Liberty” or the “Company”), by and through undersigned counsel, respectfully petitions the Federal Trade Commission (“FTC”) to, pursuant to 16 C.F.R. § 2.10: (a) extend the deadline by which Liberty must petition to limit or quash the April 12, 2022 Civil Investigative Demand (“CID”) to Liberty, a copy of which is attached as **Exhibit 1**; or (b), in the alternative, quash the CID.

I. INTRODUCTION

On or about April 13, 2022, the FTC served the CID on Liberty. [**Ex. 1.**] When the CID arrived via Federal Express, Liberty’s owner, Joseph Massarelli (“Massarelli”) was traveling. Upon his return to Liberty the following Wednesday, April 20, 2022, Massarelli immediately sent the CID to undersigned counsel. The next day, on April 21, 2022, undersigned counsel contacted the FTC’s counsel to arrange for an introductory call. Thereafter, on May 2, 2022, a teleconference with the Company’s counsel, the FTC investigator assigned to the matter, and the FTC’s counsel was held.

During that telephone conference, the FTC was unable to commit to several of Liberty’s proposals for limiting the CID to address Liberty’s concerns as to scope, burden, relevance, and technological issues within the deadline by which Liberty must petition the FTC to limit or quash the CID. In order to preserve and not waive any objections to the CID, Liberty files this petition

seeking an extension of time in which it must petition to limit or quash the CID, and, as it has already offered to the FTC, intends to continue to work with FTC counsel to produce documents and information under the CID. In the alternative, should the FTC deny Liberty's request for an extension of time in which it must petition to quash or limit the CID, Liberty petitions the FTC to quash the CID in full as unduly burdensome.

II. BACKGROUND

Liberty is a single-site Chrysler-Jeep-Dodge-Ram and Subaru motor vehicle dealership in Libertyville, Illinois, a suburb of Chicago, owned by Massarelli. While it operates only one store, Liberty has sold, on average, over 3,000 new and used vehicles per year from 2019–2021 and more than 650 new and used vehicles thus far in 2022.

On April 13, 2022, Liberty received the CID containing 25 interrogatories (87 interrogatories including subparts), 12 document requests (18 document requests including subparts), and 74 “data requests.” [Ex. 1.] Massarelli, to whom the FTC addressed the CID in its enclosure letter sent via Federal Express, was traveling and away from Liberty's location until the following week. Immediately upon his return, on April 20, 2022, Massarelli sent the CID to the undersigned counsel, who, on April 21, 2022, emailed FTC counsel Sanya Shahrasbi to arrange for an initial telephone conference.

The parties arranged for a telephone conference with the Company's counsel, the FTC investigator assigned to the matter, and the FTC's counsel for May 2, 2022. On that call, while they represented that Liberty intended to comply with the FTC's requests in the CID to the extent reasonable, the undersigned counsel requested the following:

- The FTC agree to extend the date by which Liberty must petition the FTC to quash or limit the CID to permit the FTC and Liberty time to meet and confer and come to agreement where possible on limiting the scope of the CID given that Liberty is a small business and

that records responsive to the CID appear to be primarily kept in hard copy on paper that may need to be manually scanned, page by page, on a flatbed scanner.

- That several requests appear to be overbroad and unduly burdensome under the circumstances:
 - Liberty sells more than 3,000 vehicles per year, potentially creating tens, if not hundreds, of thousands of pages of hard copy documents responsive to document request 5. Perhaps recognizing this, the FTC, in the CID, requested Liberty “[p]lease confer with the FTC counsel before responding if the number of responsive transactions would exceed 500,” which Liberty attempted to do on the May 2, 2022 teleconference in order to limit documents to be gathered and produced to a reasonable level.
 - Given that Liberty primarily appears to maintain documents in hard copy, including on thin carbon paper that must be scanned on a flatbed scanner by individual page, there may be significant labor necessary to scan and prepare documents for production. As such, Liberty required an extension of time to comply with the CID.
 - As to interrogatory 2, Liberty employs many individuals, such as porters (individuals who move cars from one portion of Liberty’s property to another) and technicians who, while they may arguably have “responsibility relating to the sale of motor vehicles,” do not appear to be related to the subject of investigation in the CID, which concerns practices relating to motor vehicle financing and the sale of “add-ons.” Liberty sought to narrow the disclosure relating to such employees.
 - As to document requests 7 and 8, the FTC’s boilerplate request for “[a]ll communications,” presumably including those beyond the transactions to which the parties may be able to agree to narrow the CID, implicates the production of a potentially overbroad, irrelevant, and vast set of communications having nothing to do with the CID’s subject of investigation.

While Liberty expressed its intent to reasonably cooperate and produce documents and information, the FTC was unwilling or unable to agree to any extension of time to file a petition to quash or limit within the 20-day time limit under 16 C.F.R. § 2.10(a). Moreover, while counsel for the FTC and Liberty expressed a desire and intent to come to agreement on Liberty’s other concerns, the FTC would not be able to provide confirmation of any agreement to limit the CID within the time period Liberty would need to file a petition to quash or limit the CID. Accordingly, to preserve and not waive its ability to petition to quash or limit the CID under 16 C.F.R. § 2.10(a)(1), Liberty petitions the FTC to extend the time it may petition the FTC to quash or limit

the CID in the instance it cannot come to agreement on the scope of the CID. Should the FTC decline to provide an extension, Liberty petitions, in the alternative, for an order quashing the CID as unreasonable.

III. ARGUMENT

A. Request for Extension.

While an agency may issue a CID to investigate a potential violation of the law, its power has limits. “It is contrary to the first principles of justice to allow a search through all the respondent’s records, relevant or irrelevant, in the hope that something will turn up.” *FTC v. Am. Tobacco Co.*, 264 U.S. 306 (1924). Thus, an agency’s CID should not be enforced if the demand is not “within the authority of the agency,” is “too indefinite,” or is “not reasonably relevant to the inquiry.” *U.S. v. Morton Salt Co.*, 338 U.S. 632, 652 (1950). “The gist of the protection is in the requirement. . . that the disclosure sought shall not be unreasonable. Correspondingly, the need for moderation in the subpoena’s call is a matter of reasonableness.” *SEC v. Arthur Young & Co.*, 584 F.2d 1018, 1030 (D.C. Cir. 1978). “[R]easonableness . . . comes down to specification of the documents to be produced adequate, but not excessive, for the purposes of the relevant inquiry.” *Id.* An administrative subpoena may be also be deemed unduly burdensome if “compliance threaten[s] to unduly disrupt or seriously hinder normal operations.” *Dow Chemical Co. v. Allen*, 672 F.2d 1262, 1274 (7th Cir. 1982) (citing *FTC v. Texaco, Inc.*, 555 F.2d 862, 882 (D.C. Cir. 1977)).

Petitions to quash or limit a CID must be filed within 20 days of service. 16 C.F.R. § 2.10(a)(1). Courts have held that if the subject of a CID fails to file such a petition, it has effectively waived its right to challenge the CID, e.g., *FTC v. Complete Merch. Sols., LLC*, No. 2:19-cv-00996-HCN-EJF, 2020 U.S. Dist. LEXIS 75540, at *23–*24 (D. Utah Apr. 28, 2020); *FTC v. Tracers Info. Specialists, Inc.*, No. 8:16-MC-18TGW, 2016 U.S. Dist. LEXIS 96048, at *11 (M.D.

Fla. Jun. 10, 2016), thus making it paramount that the subject of a CID preserve all rights to petition to limit or quash when deadlines may pass during unresolved meet and confer conversations. The FTC may extend the deadline to petition to limit or quash the CID while the FTC and the subject work to resolve any potential objections to the CID. *See* 16 C.F.R. § 2.10(a)(5).

Here, Liberty expressed its material concerns regarding compliance with the CID to the FTC's counsel. While it appears Liberty and the FTC will be able to resolve the majority, if not all, of Liberty's concerns by narrowing the scope of and clarifying the CID, the parties would not be able to do so by May 3, 2022 — the date by which Liberty must petition under 16 C.F.R. § 2.10(a)(1) to quash or limit the CID in the instance Liberty and the FTC cannot agree. During its May 2, 2022 teleconference with the FTC, Liberty requested that the FTC agree to a reasonable extension of time in which Liberty could file such a petition (only if necessary), but the FTC represented that it could not do so.

Liberty's request is not brought to delay this matter. It anticipates being able to make the first in a rolling production of information and/or documents by the initial return date in the CID of May 12, 2022. After working to discern potential production timelines from Liberty's vendors and regarding preparation of documents, Liberty intends to propose to the FTC a reasonable timeline for production on an agreed scope of documents and information.

Yet, because Liberty cannot reasonably work through all potential issues as to the likely thousands of transactions for which the FTC seeks documentation and information by May 3, 2022, and certainly cannot come to agreement with the FTC on such issues by that date, Liberty respectfully seeks a 45-day extension in the date it must file a petition to quash or limit the CID, to and until June 17, 2022. Liberty seeks 45 days here not only due to the logistical challenges in discerning the scope, type, and ability to produce documents, but also due to the fact that

Massarelli, whose involvement in responding to the CID is necessary, is preparing for a significant medical procedure in mid-May 2022.

B. In the Alternative, Petition to Quash.

The CID contains 25 interrogatories (87 interrogatories including subparts), 12 document requests (18 document requests including subparts), and 74 “data requests.” It requires the production of documents in a technical format requiring Liberty to engage a third-party discovery vendor to process and prepare the information. [See **Ex. 1** at pp. 11–13, A-1–A-3.] The CID also mandates that interrogatory responses be provided under penalty of perjury, [*id.* at p. 13], thus requiring the preparation and review of documents by counsel and agents of Liberty to ensure such representations can be made. As noted, the CID potentially implicates thousands of vehicle transactions, with each transaction involving a materially significant amount of documentation. Simply discerning whether Liberty can reasonably comply with the CID within the guardrails provided by regulation and interpreting caselaw cannot be determined, let alone negotiated with the FTC, within the 20 days required by the CID for filing a petition to quash or limit or the response date of May 12, 2022. Requiring compliance with such speed, particularly when there appears to be no emergency requiring such extraordinary compliance, will “seriously hinder [Liberty’s] normal operations,” *Allen*, 672 F.2d at 1274, if not require it to cease conducting business altogether to focus exclusively on responding to the CID, something that the FTC may not require Liberty to do under caselaw and these circumstances.

Accordingly, should the FTC refuse to grant Liberty’s requested extension to file a petition to quash or limit, Liberty petitions, in the alternative, for an order quashing the CID in its entirety as unreasonable.

IV. CONCLUSION

Liberty respects the FTC’s responsibility to investigate what it perceives as potential or alleged violations of consumer protection laws and intends to comply with the FTC’s investigation as much as reasonably possible. Yet, the FTC should not, and cannot, foist upon Liberty unreasonable requirements that “seriously hinder” Liberty’s business. As such, Liberty respectfully requests a 45-day extension of time to file a petition to quash or limit the CID and will continue to work in the meantime with the FTC’s counsel in an effort to avoid the need to file such a petition.

Dated: May 3, 2022

Respectfully submitted,

LIBERTY AUTO CITY, INC., Petitioner.

By: /s/ Joshua J. Cauhorn
One of Its Attorneys

Ira M. Levin (ilevin@burkelaw.com) (IL ARDC No. 6192178)
Joshua J. Cauhorn (jcauhorn@burkelaw.com) (IL ARDC No. 6320421)
BURKE, WARREN, MACKAY & SERRITELLA, P.C.
330 North Wabash Avenue, 21st Floor
Chicago, Illinois 60611
T: (312) 840-7000 // F: (312) 840-7900
Attorneys for Petitioner Liberty Auto City, Inc.

CERTIFICATION OF GOOD FAITH CONFERENCE

Pursuant to 16 C.F.R. § 2.7(d)(2), on May 2, 2022 at 2:00 p.m. Central Time, counsel for Petitioner Liberty Auto City, Inc., Ira M. Levin, Esq. and Joshua J. Cauhorn, Esq., conferred via Zoom teleconference with counsel for the Federal Trade Commission, Sanya Shahrabi, Esq., and an investigator for the Federal Trade Commission, Michael Goldstein, in a good faith effort to resolve the issues raised by the instant petition. Counsel for the Petitioner and the Federal Trade Commission were unable to reach a formal agreement prior to the deadline to file the instant petition provided by 16 C.F.R. § 2.10(a)(1).

/s/ Joshua J. Cauhorn
Joshua J. Cauhorn, Esq.
One of the Attorneys for Petitioner

PROOF OF SERVICE

I hereby certify that, on May 3, 2022, a paper original, a paper copy, and an electronic copy in Adobe portable document format of the foregoing and the exhibit thereto were served via U.S.

Mail and electronic mail upon the following:

Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Suite CC-5610
Washington, D.C. 20580
electronicfilings@ftc.gov

I further certify that, on May 3, 2022, a copy of the foregoing and the exhibit thereto was served, by email and first-class U.S. Mail, postage prepaid, upon the following:

Sanya Shahrabi, Esq.
Federal Trade Commission
600 Pennsylvania Avenue, NW
Mail Stop CC-10232
Washington, D.C. 20580
sshahrabi@ftc.gov

/s/ Joshua J. Cauhorn
Joshua J. Cauhorn, Esq.
One of the Attorneys for Petitioner

EXHIBIT 1



Office of the Secretary

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

April 12, 2022

Via FedEx

Liberty Auto City, Inc.
Attn: Joseph M. Massarelli
1000 E Park Ave
Libertyville, IL 60048

FTC Matter No. 2223077

Dear Mr. Massarelli:

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 the "Company" as defined in the enclosed CID schedule has engaged in deceptive or unfair practices in connection with auto sales and leases, in violation of the FTC Act, 15 U.S.C. §45, or has discriminated on a prohibited basis in violation of the Equal Credit Opportunity Act, 15 U.S.C. §1691 *et seq.*, resulting in higher vehicle sales prices, periodic payments, or Add-on charges, and whether Commission action to obtain monetary relief 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, Sanya Shahrabi, sshahrabi@ftc.gov, 202-326-2709, as soon as possible to schedule a telephone call to be held within 14 days.** During that telephone call, FTC counsel can address any questions or concerns you have regarding this CID, 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 to other civil or criminal law enforcement agencies for their official law enforcement purposes. The FTC or other agencies may use and disclose your response in any 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.

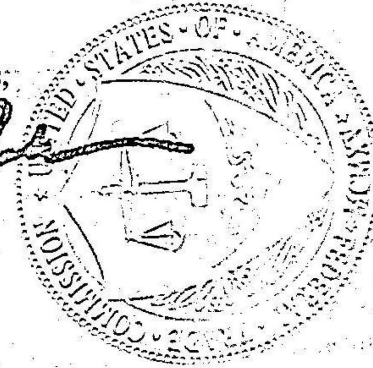
4. **Please read the attached documents closely.** They contain important information about how you should provide your response.

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

Very truly yours,



April J. Tabor
Secretary



SEARCHED
SERIALIZED
INDEXED
FILED



CIVIL INVESTIGATIVE DEMAND

1. TO Liberty Auto City, Inc. Attn: Joseph M. Massarelli 1000 E Park Ave Libertyville, IL 60048	1a. MATTER NUMBER 2223077
--	---

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.

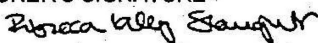
2. ACTION REQUIRED <input type="checkbox"/> You are required to appear and testify.	
LOCATION OF HEARING	YOUR APPEARANCE WILL BE BEFORE DATE AND TIME OF HEARING OR DEPOSITION

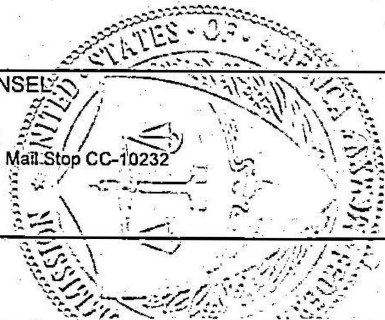
- You are required to produce all documents described in the attached schedule that are in your possession, custody, or control, and to make them available at your address indicated above for inspection and copying or reproduction at the date and time specified below.
- You are required to answer the 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.

DATE AND TIME THE DOCUMENTS, ANSWERS TO INTERROGATORIES, REPORTS, AND/OR TANGIBLE THINGS MUST BE AVAILABLE
 May 12, 2022 by 5:00 PM ET

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

4. RECORDS CUSTODIAN/DEPUTY RECORDS CUSTODIAN Michael Goldstein/ Sanya Shahrabi Federal Trade Commission 600 Pennsylvania Ave NW, Mail Stop CC-10232 Washington, DC 20580	5. COMMISSION COUNSEL Sanya Shahrabi Federal Trade Commission 600 Pennsylvania Ave NW, Mail Stop CC-10232 Washington, DC 20580 (202) 326-2709
--	---

DATE ISSUED 4/12/2022	COMMISSIONER'S SIGNATURE 
---------------------------------	--



INSTRUCTIONS AND NOTICES
 The delivery of this demand to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply. The production of documents or the submission of answers and report in response to this demand must be made under a sworn certificate, in the form printed on the second page of this demand, by the person to whom this demand is directed or, if not a natural person, by a person or persons having knowledge of the facts and circumstances of such production or responsible for answering each interrogatory or report question. This demand does not require approval by OMB under the Paperwork Reduction Act of 1980.

PETITION TO LIMIT OR QUASH
 The Commission's Rules of Practice require that any petition to limit or quash this demand be filed within 20 days after service, or, if the return date is less than 20 days after service, prior to the return date. The original and twelve copies of the petition must be filed with the Secretary of the Federal Trade Commission, and one copy should be sent to the Commission Counsel named in Item 5.

YOUR RIGHTS TO REGULATORY ENFORCEMENT FAIRNESS
 The FTC has a longstanding commitment to a fair regulatory enforcement environment. If you are a small business (under Small Business Administration standards), you have a right to contact the Small Business Administration's National Ombudsman at 1-888-REGFAIR (1-888-734-3247) or www.sba.gov/ombudsman regarding the fairness of the compliance and enforcement activities of the agency. You should understand, however, that the National Ombudsman cannot change, stop, or delay a federal agency enforcement action.

The FTC strictly forbids retaliatory acts by its employees, and you will not be penalized for expressing a concern about these activities.

TRAVEL EXPENSES
 Use the enclosed travel voucher to claim compensation to which you are entitled as a witness for the Commission. The completed travel voucher and this demand should be presented to Commission Counsel for payment. If you are permanently or temporarily living somewhere other than the address on this demand and it would require excessive travel for you to appear, you must get prior approval from Commission Counsel.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCSRulesofPractice>. 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
FTC File No. 2223077**

Meet and Confer: You must contact **FTC counsel, Sanya Shahrabi (202-326-2709; sshahrabi@ftc.gov)**, as soon as possible to schedule a telephonic meeting 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 in Your possession, custody, or control** that are in any way relevant to this investigation, even if those Documents are being retained by a third-party or 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: Contact **Michael Goldstein (202-326-3673; mgoldstein@ftc.gov)** by email or telephone at least five days before the return date for instructions on how to produce information responsive to this CID.

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 signing the "Certification of Compliance" attached to this CID.

Certification of Records of Regularly Conducted Activity: Attached is a Certification of Records of Regularly Conducted Activity. Please execute and return this Certification with Your response. Completing this certification may reduce the need to subpoena You to testify at future proceedings to establish the admissibility of Documents produced in response to this CID.

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

I. SUBJECT OF INVESTIGATION

Whether the “Company” as defined herein has engaged in deceptive or unfair practices in connection with auto sales and leases, in violation of the FTC Act, 15 U.S.C. §45, or has discriminated on a prohibited basis in violation of the Equal Credit Opportunity Act, 15 U.S.C. §1691 *et seq.*, resulting in higher vehicle sales prices, periodic payments, or Add-on charges, and whether Commission action to obtain monetary relief would be in the public interest. See also attached resolution(s).

II. SPECIFICATIONS

Applicable Time Period: Unless otherwise directed, the applicable time period for the requests set forth below is from April 1, 2019 until the date of full and complete compliance with this CID.

A. INTERROGATORY RESPONSES

1. State the following information for the Company:
 - a. Its full legal name and all other names under which it has done business;
 - b. The mailing address, street address, and telephone number of its headquarters;
 - c. The date and state(s) in which it is incorporated;
 - d. The names and titles of all its officers, directors, principal stockholders, and owners;
 - e. The names and percentages of ownership of all persons holding five percent or more ownership in it;
 - f. The names, addresses, officers, directors, owners, and states of incorporation of any parent, subsidiary, affiliate company, or division and the relationship of each to the Company;
 - g. The names (including legal names and any business names) and addresses of all dealerships operated by the Company in the United States; and
 - h. The names of all managers and supervisors, and the names of all employees responsible for designing, implementing, modifying, training, or ensuring compliance with the Company’s policies and procedures, stating for each such individual:
 - i. Date hired;
 - ii. Date employment ended, if any;
 - iii. Which dealership(s) the person was employed by;
 - iv. Contact information; and
 - v. Title(s) and description of position(s) held at the Company.
2. Identify each person, not previously identified in Interrogatory 1, employed by the Company at any time during the relevant time period with any responsibility relating to

the sale of motor vehicles, **Add-ons**, financing, customer service, complaint handling or resolution, or compliance, including the person's:

- a. Date hired;
 - b. Date employment ended; if any;
 - c. Which dealership(s) the person was employed by;
 - d. Contact information; and
 - e. Title(s) and description of position(s) held at the **Company**.
3. Identify by name and full title the **Company's** fair lending officer.
4. Detail the **Company's** compensation structure for sales personnel, including:
- a. Salary;
 - b. Commissions, direct compensation or indirect compensation from any source, earned for sale of vehicles, **Add-ons** or related goods and services. Broken out by:
 1. Amount earned for individual car sale;
 2. Amount earned for loans applied for, approved, or negotiated;
 3. Amount earned related to interest rate;
 4. Amount earned for sale of add-ons and extras; and
 5. Amount earned for consumer reviews or ratings.
 - c. Bonuses.

Please confer with FTC counsel before responding to this interrogatory if the number of responsive employees would exceed 250.

5. Identify payment processors used for the **Company's** payroll.
6. For each of the **Company's** dealerships, state the following on an aggregate, annual basis and by new and used motor vehicles sold or leased:
- a. Number of vehicles sold;
 - b. Total cost of vehicles sold;
 - c. Revenue from vehicle sales;
 - d. Number of vehicles for which the **Company** offered to provide or arrange financing;
 - e. Total cost of vehicles for which the **Company** offered to provide or arrange financing;
 - f. Revenue from vehicles for which the **Company** offered to provide or arrange financing;
 - g. Number of vehicle leases;
 - h. Total cost of vehicles leased;
 - i. Revenue from vehicle leases.

7. Identify each financial institution used to obtain financing for consumers to purchase vehicles from **You**. For each financial institution, state, on an annual basis, the number

and percentage of the **Company's** vehicle sales for which such financial institution provided financing.

8. State whether, and to what extent, the **Company** bears any risk in any vehicle sale financed by a third-party financial institution after the consumer takes possession.
9. State whether the **Company** offers vehicle financing to consumers, including on an initial basis, regardless of whether the loans are later sold.
10. Identify any compliance program or policy related to fair lending used by the **Company**.
11. Identify any policies or procedures surrounding the presentation of financing offers to consumers, including whether the **Company** presents multiple financing offers.
12. Identify any monitoring program relating to financing markups.
13. Identify any onboarding or ongoing fair lending training provided to employees.
14. Describe the process of preparing a used vehicle for sale, including reconditioning the vehicle and obtaining manufacturer certification.
15. For each of the **Company's** dealerships, state the average and median cost to the dealership, and the range of costs to the dealership, of each of the following:
 - a. Preparing a used vehicle for sale;
 - b. Conducting a pre-delivery inspection, including any inspections required by a government entity;
 - c. Reconditioning a vehicle;
 - d. Obtaining manufacturer certification.
16. For each of the **Company's** dealerships, state whether the advertised sales prices for Your used and certified used vehicles includes each of the following:
 - a. The cost of preparing a used vehicle for sale;
 - b. The cost of any pre-delivery inspection, including any inspections required by a government entity;
 - c. The cost of reconditioning the vehicle;
 - d. The cost of obtaining manufacturer certification.
17. Identify all types of Add-ons sold, or offered for sale by the **Company**, and state for each:
 - a. Its function, purpose, or coverage;
 - b. Its duration of coverage in months if applicable;
 - c. Its cost per unit, or of the cost varies, range of costs per unit, to the **Company**;

- d. If the cost per unit to the **Company** varies, an explanation, schedule, or table describing the factors determining the exact cost per unit.
- e. Its price per unit, or if the price varies, range of prices per unit, to the consumer;
- f. If the per per unit to the consumer varies, an explanation, schedule, or table describing the factors determining the exact price per unit.
- g. Any additional costs or expenses to the consumer to utilize the **Add-on**;
- h. Whether it is mandatory;
- i. Whether it is mandatory to obtain financing;
- j. Whether it may be purchased individually or must be purchased in a bundle with other **Add-ons**;
- k. Whether it is cancellable with a full or partial refund within a set period of time; and
- l. Whether it is cancellable with a full or partial refund at any time before it is fully paid.

18. Identify each provider of **Add-ons** sold, or offered for sale by the **Company**, and state for each:

- a. The **Add-on** name;
- b. The number of **Add-ons** sold; on a monthly basis;
- c. The compensation (or range of compensation) offered to **You** or **Your** employees for each type of **Add-on** sold;
- d. The aggregate amount paid by **Your** customers for **Add-ons**, on an annual basis; and
- e. The compensation **Your** employees received in connection with the sale of **Add-ons**, on an annual basis;
- f. The compensation the **Company** received in connection with the sale of **Add-ons**, on an annual basis.

Identify the following documents:

19. For transactions from April 2021 to April 2022, identify for each vehicle sale or lease in which an **Add-on** was sold, the following:

- a. The customer's name and contact information;
- b. The vehicle VIN;
- c. Whether the transaction was a sale or lease;
- d. For sales, whether there was dealer-arranged financing;
- e. Which **Add-on(s)** were sold;
- f. The amount charged to the consumer for each **Add-on** sold;
- g. For sales of GAP, the loan-to-value ratio of the sale, the amount financed, the interest rate, the sales price, and the year, make, and model of the vehicle;
- h. Whether there was a request for a full or partial refund, cancellation, or chargeback of **Add-ons**, and if so, date of each full or partial refund request, and whether the request came within one month of the purchase or lease; and
- i. Whether the **Company** provided a refund or submitted paperwork or otherwise facilitated the provision of a refund.

20. **Identify** and describe the **Company's** databases and systems, both internal and external, that contain contact and transaction information regarding the **Company's** current and former customers.
21. Summarize consumer complaints and inquiries received by the **Company** during the applicable time period by complaint type;
22. List by date each instance in which **You** charged a consumer for **Add-ons**, but did not obtain such **Add-ons** for the consumer, and **identify** each such consumer.
23. **Identify** each person for whom the **Company**, directly or indirectly, has sought to repossess or has repossessed a vehicle for which the **Company** offered to provide or arrange financing, including the reason for the repossession or attempted repossession.
24. List any federal, state or local law enforcement, or governmental actions citations, demands, inquiries, investigations, proceedings, or subpoenas, and any arbitrations mediations, or lawsuits, or private lawsuits, relating to the sale of a motor vehicle, **Add-on**, or financing; including (a) the identity of the law enforcement or governmental entity, if applicable; (b) the nature of the action; (c) the name, number, jurisdiction, and any other identifying information about the action, if applicable; (d) the parties involved; and (e) the status of the action, including the date and resolution of the action, if applicable.
25. **Identify** all officers, agents, or representatives of the **Company** who have prepared, participated in, or supervised the preparation of its response to this CID.

B. DOCUMENTARY MATERIALS

Please provide the following **Documents**:

1. **Documents** sufficient to show the **Company's** organizational structure, including the relationship between and among the **Company** and each dealership.
2. **Documents** sufficient to show the compensation structure for the **Company's** employees, agents or other persons working for or on behalf of the **Company** relating to the sale of a motor vehicle, **Add-on**, or financing, including bonuses, incentives, or raises.
3. Copies of advertising materials relating to **Add-ons**, including placards, table tents, and pamphlets.
4. All policies, procedures, employee manuals or training material referring or relating to **Add-ons**, advertising, marketing, sales, financing (including fair lending), rate sheets, leasing, repossession, consumer inquiries or complaints, and compliance.
5. All deal jackets, retail installment sale contracts, financing applications, and **Documents**

relating to **Add-ons** for vehicle sales or leases with **Add-on** sales from April 1, 2019 to April 1, 2022.

Please confer with the FTC counsel before responding if the number of responsive transactions would exceed 500.

6. All **Documents** referring or relating to any request to obtain a refund, cancel, payment reversal, or chargeback of any **Add-on**.
7. All communications and agreements with **Add-on** providers.
8. All communications with financing companies.
9. All **Documents** relating to consumer inquiries, including:
 - a. All consumer complaints, including any written, oral, or electronic complaint, accusation, allegation, challenge, charge, claim, criticism, demand, dispute, grievance, lawsuit, or objection by any person relating to the sale of any motor vehicle, **Add-on**, or financing;
 - b. The **Company's** policy for tracking consumer inquiries;
 - c. Any responses to consumer complaints and any **Documents** relating to the settlement or resolution of complaints;
 - d. All internal and external communications referring or relating to any complaint, including any telephone call recordings, voicemails, e-mails, instant messages, or notes, records, or transcriptions memorializing or reflecting any such communication;
 - e. All **Documents** referring or relating to any consumer identified in any complaint relating to **Add-ons**, including deal jackets; retail installment sale contracts, financing applications, and **Documents** relating to **Add-ons**; and
 - f. All **Documents** relating to any actions, decisions, determinations, findings, recommendations, reports, or responses made or taken by or on behalf of the **Company** in response to any complaint, including any policy changes or any disciplinary actions. The term "disciplinary actions" includes formal or informal discipline, counseling, warnings, demotions, suspensions, or terminations.
10. All communications, including emails, text messages, instant messages, call recordings, notes of phone calls, and meeting minutes, regarding the sale of vehicles for more than the advertised price, reconditioning, dealer prep, pre-delivery inspection, or certification fees, or compliance with the FTC Act, 15 U.S.C. § 45, or the Equal Credit Opportunity Act ("ECOA"), 15 U.S.C. 1691 *et seq.* and Regulation B, 12 C.F.R. pt. 202.
11. All **Documents** relating or referring to any audits, inquiries, investigations, or reviews conducted by or on behalf of, or relating to, the **Company** relating to the sale of a motor vehicle, **Add-on**, or financing, including any findings, recommendations, reports, and communications.

12. Documents sufficient to show the Company's document retention or destruction policies during the relevant time period.

C. DATA REQUEST

1. Please produce in a machine-readable format (e.g. CSV, TXT, XLS, XLSX, XML, SAS, DTA, MDB, ACCDB) the following data for each consumer's auto financing transaction:

- a. Dealer name
- b. Dealer address, including separately providing street address, city, state, and zip code
- c. Lender
- d. Subvented loan Y/N
- e. Deal number
- f. Deal date
- g. Stock number
- h. Lease Y/N
- i. Funded loan Y/N
- j. Borrower's last name
- k. Borrower's first name
- l. Borrower's street address
- m. Borrower's city
- n. Borrower's state
- o. Borrower's zip code
- p. Borrower's date of birth
- q. New or used or certified vehicle
- r. Vehicle identification number (VIN)
- s. Make of vehicle
- t. Model of vehicle
- u. Model year
- v. Trim of vehicle
- w. Odometer reading at time of sale
- x. Initial price; advertised price; and quoted or penciled price of vehicle
- y. Cost to dealer of vehicle
- z. Vehicle book value
- aa. Additional compensation paid by lender to dealer
- bb. Reconditioning fees
- cc. Dealer prep fees
- dd. Certification fees
- ee. Pre-delivery inspection fees
- ff. Shop fees
- gg. Origination fees
- hh. Sale price of vehicle
- ii. Term in months
- jj. Contract interest rate
- kk. Annual percentage rate
- ll. Lowest interest rate consumer was approved for

- mm. Buy rate
- nn. Dealer reserve or Dealer Participation
- oo. Dealer flat fee
- pp. Net trade-in allowance credited or negative equity added to amount financed
- qq. Cash down amount
- rr. Rebate amount
- ss. Total down amount
- tt. Document fees
- uu. Title fees
- vv. Lien fees
- ww. Registration fees
- xx. State inspection fees
- yy. Any other fees
- zz. Taxes
- aaa. The price to the consumer, add-on product name, add-on tier level, and coverage duration in months of each of the following add-ons (if purchased), each in separate fields for each add-on:
 - i. Credit life
 - ii. GAP
 - iii. Disability insurance
 - iv. Maintenance contract
 - v. Vehicle service contract
 - vi. Extended warranty
 - vii. Tire and wheel protection
 - viii. Any other add-ons purchased
- bbb. The revenue, cost to the Company, and each full or partial refund request, date of each full and partial refund request, and refund, each in separate fields for each add-on:
 - i. Credit life
 - ii. GAP
 - iii. Disability insurance
 - iv. Maintenance contract
 - v. Vehicle service contract
 - vi. Extended warranty
 - vii. Tire and wheel protection
 - viii. Any other add-ons purchased
- ccc. MSRP
- ddd. Amount and timing of any balloon payments
- eee. Amount financed
- fff. Monthly payment amount
- ggg. Borrower's credit score
- hhh. Borrower's booked credit tier
- iii. Borrower's monthly income
- jjj. Coborrower's last name
- kkk. Coborrower's first name

- lll. Coborrower's address
- mmm. Coborrower's city
- nnn. Coborrower's state
- ooo. Coborrower's zip code
- ppp. Coborrower's date of birth
- qqq. Coborrower's credit score
- rrr. Coborrower's monthly income
- sss. Loan to value ratio
- ttt. Debt to income ratio
- uuu. Payment to income ratio
- vvv. Any additional data used to determine a consumer's monthly payment

RFPA AND SARS NOTICE: This CID does not seek any financial records for which prior customer notice is required under the Right to Financial Privacy Act ("RFPA"), 12 U.S.C. §§ 3401 *et seq.* If the Company believes it is a financial institution or an agent of a financial institution under RFPA, 12 U.S.C. §§ 3401(1) & 3403(a), You should not produce any information contained in the financial records of any individual or partnership of five or fewer individuals, and You should contact FTC counsel prior to responding to this CID to discuss what information contained in financial records is subject to production under RFPA. This CID does not seek any Suspicious Activity Reports (SARs). Do not produce any SARs. If You have any questions, please contact FTC counsel before providing responsive information.

III. DEFINITIONS

The following definitions apply to this CID:

- D-1. "Company," "You," or "Your" means Liberty Auto City, Inc., 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), or 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.
- D-4. "Advertisement" or "Advertising" or "Ad" means any written or verbal statement, illustration, or depiction that promotes the sale or use of a good or service or is designed to increase consumer interest in a brand, good, or service. Advertising media includes, but is not

limited to: packaging and labeling; promotional materials; print; television; radio; and Internet, social media, and other digital content.

D-5. “Add-on” or “Add-ons” means any product(s) or service(s) not provided to the consumer or installed on the vehicle by the motor vehicle manufacturer and for which the Motor Vehicle Dealer, directly or indirectly, charges a consumer in connection with a vehicle sale, lease, or financing transaction.

IV. 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:** For specifications requesting production of Documents or answers to written interrogatories, 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: For specifications requesting production of Documents, 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: For specifications requesting production 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: For specifications requesting production of Documents, 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: For specifications requesting production of Documents, 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: For specifications requesting production of Documents, 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"): For specifications requesting production of Documents or answers to written interrogatories, if any responsive materials 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; and an individual's name, address, or phone number in combination with one or more of the following: date of birth, driver's license or state identification number (or foreign country equivalent), military identification number, passport number, financial account number, credit card number, or debit card number. Biometric data includes biometric identifiers, such as fingerprints or retina scans, but does not include photographs (with the exception of photographs and corresponding analyses used or maintained in connection with facial recognition software) or voice recordings and signatures (with the exception of those stored in a database and used to

verify a person's identity). 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.

I-12. Interrogatory Responses: For specifications requesting answers to written interrogatories: (a) answer each interrogatory and each interrogatory subpart separately, fully, and in writing; and (b) verify that Your answers are true and correct by signing Your answers under the following statement: "I verify under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)." The verification must be submitted contemporaneously with Your interrogatory responses.

Responses to interrogatories should be provided in a separate document, not in the body of the responses.

Confidentiality:

If you provide confidential information, you must identify it as such.

If you do not provide confidential information, you must state that you do not.

If you do provide confidential information, you must provide the proper notice.

Failure to provide proper notice may result in the court compelling disclosure.

For more information, see the instructions.

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

Printed Name

Signature

Printed Name

Date

CERTIFICATION OF COMPLIANCE

Pursuant to 28 U.S.C. § 1746

I, _____, certify the following with respect to the Federal Trade Commission's ("FTC") Civil Investigative Demand directed to Liberty Auto City, Inc. (the "Company") (FTC File No. 2223077) (the "CID"):

1. The Company has identified all documents, information, and/or tangible things ("responsive information") in the Company's possession, custody, or control responsive to the CID and either:

- (a) provided such responsive information to the FTC; or
- (b) for any responsive information not provided, given the FTC written objections

setting forth the basis for withholding the responsive information.

2. I verify that the responses to the CID are complete and true and correct to my knowledge.

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

Date: _____

Signature

Printed Name

Title

CERTIFICATION OF RECORDS OF REGULARLY CONDUCTED ACTIVITY
Pursuant to 28 U.S.C. § 1746

1. I, _____, have personal knowledge of the facts set forth below and am competent to testify as follows:
2. I have authority to certify the authenticity of the records produced by Liberty Auto City, Inc. (the "Company") and attached hereto.
3. The documents produced and attached hereto by the Company are originals or true copies of records of regularly conducted activity that:
 - a) Were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;
 - b) Were kept in the course of the regularly conducted activity of the Company; and
 - c) Were made by the regularly conducted activity as a regular practice of the Company.

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

Date: _____

Signature

Federal Trade Commission - Bureau of Consumer Protection

Production Requirements

Revised July 2020

In producing information to the FTC, comply with the following requirements, unless the FTC agrees otherwise. If you have questions about these requirements, please contact FTC counsel before production.

Production Format1. **General Format:** Provide load-ready electronic productions with:

- a. A delimited data load file (.DAT) containing a line for every document, unique id number for every document (DocID), metadata fields, and native file links where applicable; and
- b. A document level text file, named for the DocID, containing the text of each produced document.

Do not produce corresponding image renderings (e.g., TIFF or JPEG) for files in native format unless the FTC requests them. If the FTC requests corresponding image renderings, provide an Opticon image load file (.OPT) containing a line for every image file.

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 below, submit in native format with all metadata and either document level extracted text or Optical Character Recognition (OCR). Do not produce corresponding image renderings (e.g., TIFF or JPEG) for files in native format unless the FTC requests them. If the FTC requests corresponding image renderings, they should be converted to Group IV, 300 DPI, single-page TIFF (or color JPEG images when 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 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 the production format with FTC counsel.

3. **Hard Copy Documents:** Documents stored in hard copy in the ordinary course of business must be scanned and submitted as either one multi-page pdf per document or as 300 DPI single page TIFFs (or color JPEGs when necessary to interpret the contents or render them intelligible), with corresponding document-level OCR text and logical document determination in an accompanying load file.4. **Document Identification:** Provide a unique DocID 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.

5. **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.
6. **Metadata Production:** For each document submitted electronically, include the standard metadata fields listed below in a standard 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 standard Concordance 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

7. **De-duplication:** Do not use de-duplication or email threading software without FTC approval.
8. **Password-Protected Files:** Remove passwords prior to production. If password removal is not possible, provide the original and production filenames and the passwords, under separate cover.

Producing Data to the FTC

1. Prior to production, scan all data and media for viruses and confirm they are virus-free.
2. For productions smaller than 50 GB, submit data electronically using the FTC’s secure file transfer protocol. Contact FTC counsel for instructions. **The FTC cannot accept files via Dropbox, Google Drive, OneDrive, or other third-party file transfer sites.**
3. If you submit data using physical media:
 - a. Use only CDs, DVDs, flash drives, or hard drives. Format the media for use with Windows 7;
 - b. Use data encryption to protect any Sensitive Personally Identifiable Information or Sensitive Health Information (as defined in the instructions), and provide passwords in advance of delivery, under separate cover; and
 - c. Use a courier service (e.g., FedEx, UPS) because heightened security measures delay postal delivery.
4. Provide a transmittal letter with each production that includes:
 - a. Production volume name (e.g., Volume 1) and date of production;
 - b. Numeric DocID range of all documents in the production, and any gaps in the DocID range; and
 - c. List of custodians and the DocID range for each custodian.

DAT FILE FIELDS	DEFINITIONS	POPULATE FIELD FOR:
DocID	Unique ID number for each document	All Documents
FamilyID	Unique ID for all documents in a family including parent and all child documents	All Documents
ParentID	Document ID of the parent document. This field will only be populated on child items	All Documents
File Path	Path to produced native file.	All Documents
TextPath	Path to document level text or OCR file	All Documents
Custodian	Name of the record owner/holder	All Documents
AllCustodians	Names of all custodians that had copy of this record (populate if data was deduplicated or email threading was used)	All Documents
Source	Source of documents: CID, Subpoena, Third Party Data, etc.	All Documents
Filename	Original file name	All Documents
File Size	Size of documents	All Documents
File Extensions	Extension of file type	All Documents
MD5 Hash	Unique Identifier for electronic data used in de-duplication	All Documents
PRODUCTION_VOLUME	Production Volume	All Documents
HASREDACTIONS	Redacted document	All Documents
Exception Reason	Reason for exception encountered during processing (e.g., empty file, source file, password-protected file, virus)	All Documents
PRODBEG	Beginning production bates number	Documents with Produced Images
PRODEND	Ending production bates number	Documents with Produced Images
PRODBEG_ATTACH	Beginning production family bates number	Documents with Produced Images
PRODEND_ATTACH	Ending production family bates number	Documents with Produced Images
Page Count	The number of pages the document contains	Documents with Produced Images
From	Names retrieved from the FROM field in a message	Emails
To	Names retrieved from the TO field in a message; the recipient(s)	Emails
CC	Names retrieved from the CC field in a message; the copied recipient(s)	Emails
BCC	Names retrieved from the BCC field in a message; the blind copied recipient(s)	Emails
EmailSubject	Email subject line	Emails
Date Sent	The date an email message was sent	Emails
Time Sent	The time an email message was sent	Emails
Date Received	The date an email message was received	Emails
Time Received	The time an email message was received	Emails
Author	File Author	Loose Native Files and Email Attachments
Title	File Title	Loose Native Files and Email Attachments
Subject	File Subject	Loose Native Files and Email Attachments
Date Created	Date a document was created by the file system	Loose Native Files and Email Attachments
Time Created	Time a document was created by the file system	Loose Native Files and Email Attachments
Date Modified	Last date a document was modified and recorded by the file system	Loose Native Files and Email Attachments
Time Modified	Last time a document was modified and recorded by the file system	Loose Native Files and Email Attachments
Date Printed	Last date a document was printed and recorded by the file system	Loose Native Files and Email Attachments
Time Printed	Last time a document was printed and recorded by the file system	Loose Native Files and Email Attachments

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

COMMISSIONERS: James C. Miller III, Chairman
Michael Pertschuk
Patricia P. Bailey
George W. Douglas
Terry Calvani

RESOLUTION DIRECTING USE OF COMPULSORY
PROCESS IN NONPUBLIC INVESTIGATION

File No. 832 3127

Nature and Scope of Investigation: To determine whether unnamed persons, partnerships, corporations or others engaged in the advertising, marketing, offering for sale, sale or financing of motor vehicles, have been engaging or may be engaging in violations of the Truth in Lending Act, 15 U.S.C. §1601 et seq., as amended, or Regulation Z, 12 C.F.R. Part 226, as amended, or in unfair or deceptive acts or practices or unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. §45, as amended.


The investigation is also to determine whether Commission action to obtain redress of injury to consumers or others would be in the public interest.

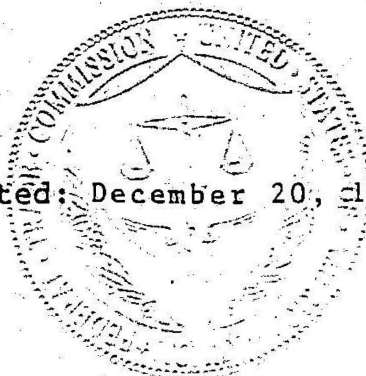
The Federal Trade Commission hereby resolves and directs that any and all compulsory processes available to it be used in connection with this investigation.

Authority to Conduct Investigation:

Sections 6, 9, 10, and 20 of Federal Trade Commission Act, 15 U.S.C. §§ 46, 49, 50, and 57b-1, as amended; FTC Procedures and Rules of Practices, 16 C.F.R. § 1.1, et seq., and supplements thereto; and Title 1 of the Consumer Credit Protection Act, Section 108(c), 15 U.S.C. § 1607; 12 C.F.R. §226.1(e), and supplements thereto.

By direction of the Commission.


Emily H. Rock
Secretary



Dated: December 20, 1983

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

COMMISSIONERS:

Janet D. Steiger, Chairman
Mary L. Azcuenaga
Deborah K. Owen
Roscoe B. Starek, III
Dennis A. Yao

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

Unnamed Violators of the Equal Credit Opportunity Act
File Number P944809

Nature and Scope of Investigation:

To determine whether certain unnamed persons, partnerships, corporations, associations or other entities have been or may be engaged in acts or practices in violation of the Equal Credit Opportunity Act, 15 U.S.C. § 1691 et seq. and Regulation B, 12 C.F.R. § 202 et seq., and to determine whether these persons, partnerships, corporations, associations or other entities have been or are engaged in unfair or deceptive acts or practices in violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, as amended. Such acts or practices may include, but are not limited to, discriminating in the extension of credit on the basis of an applicant's gender, race, marital status, national origin, color, age, religion, receipt of public assistance income, or because an applicant in good faith exercised any right under the Consumer Credit Protection Act. This investigation is also to determine whether Commission action to obtain redress of injury to consumers or others would be in the public interest.

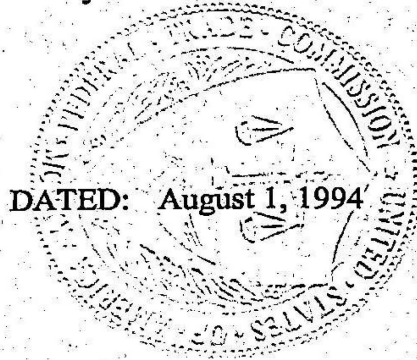
The Federal Trade Commission hereby resolves and directs that any and all compulsory processes available to it be used in connection with this investigation.

Authority to Conduct Investigation:

Sections 6, 9, 10, and 20 of the Federal Trade Commission Act, 15 U.S.C. §§ 46, 49, 50 and 57b-1, as amended; FTC Procedures and Rules of Practice 16 C.F.R. § 1.1 et seq. and supplements thereto; Title VI of the Consumer Credit Protection

Act, Section 621, 15 U.S.C. § 1681 (s); and Regulation B, 12 C.F.R. § 202 et seq.

By direction of the Commission.



C. Landis Plummer
C. Landis Plummer
Acting Secretary