



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

FEDERAL TRADE COMMISSION,

Petitioner,

v.

MONSHAY SWAIN,  
DAMILARE ADEBAYO,  
GIO-CRYSTAL, LLC, and  
EBDM LLC,

Respondents.

Misc. No. 2:18mc20

**ORDER TO SHOW CAUSE**

Petitioner, the Federal Trade Commission (FTC or Commission), under the authority conferred by Section 20 of the Federal Trade Commission Act, 15 U.S.C. § 57b-1 and Fed. R. Civ. P. 81(a)(5), has invoked the aid of this Court for an order requiring Respondents, Monshay Swain, Damilare Adebayo, Gio-Crystal, LLC and EBDM LLC, to comply with civil investigative demands (CIDs), issued to them on January 25, 2018, in aid of an FTC law enforcement investigation.

The Court has considered the Federal Trade Commission’s Petition to Enforce Civil Investigative Demands and the papers filed in support thereof; and, appearing to the Court that Petitioner has shown good cause for the entry of such order, it is hereby

ORDERED that Respondents Swain, Adebayo, Gio-Crystal, and EBDM appear at **2:30 p.m. on the 28th day of August, 2018**, in Courtroom No. 5 of the Walter E. Hoffman United States Courthouse for the Eastern District of Virginia, 600 Granby Street, Norfolk, Virginia, 23510, and show cause, if any there be, why this Court should not grant said Petition and enter an Order enforcing the CIDs. Unless the Court determines otherwise, notwithstanding the filing

or pendency of any procedural or other motions, all issues raised by the Petition and supporting papers, and any opposition to the Petition, will be considered at the hearing on the Petition, and the allegations of the Petition shall be deemed admitted unless controverted by a specific factual showing; and

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


IT IS FURTHER ORDERED that, if any Respondent intends to file pleadings, affidavits, exhibits, motions or other papers in opposition to said Petition or to the entry of the Order requested therein, such papers must be filed with the Court and received by Petitioner's counsel on the **14th day of August, 2018**. Such submission shall include, in the case of any affidavits or exhibits not previously submitted, or objections not previously made to the Federal Trade Commission, an explanation as to why such objections were not made or such papers or information not submitted to the Commission. Any reply by Petitioner shall be filed with the Court and received by Respondent on the **21st day of August, 2018**; and

IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 81(a)(5) and 26(a)(1)(B)(v), this is a summary proceeding and no party shall be entitled to discovery without further order of the Court upon a specific showing of need; and that the dates for a hearing and the filing of papers established by this Order shall not be altered without prior order of the Court upon good cause shown; and

IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 81(a)(5) and its 1946 Advisory Committee note, a copy of this Order and copies of said Petition and exhibits filed

therewith, shall be served forthwith by Petitioner upon Respondents or their counsel by personal service, or by certified or registered mail with return receipt requested, or by overnight express delivery service.

SO ORDERED, this 26<sup>th</sup> day of July, 2018.

  
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Mark S. Davis  
United States District Judge

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UNITED STATES DISTRICT JUDGE