

13-3100

& 13-3272 (XAP)

IN THE UNITED STATES COURT OF APPEALS

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STATEMENT OF THE CASE

see also

Id.

Id.

Id.

Id.

; see supra.

First

any

C. District Court Enforcement Proceedings

Despite the Commission's order, Western Union refused to comply with the CID. Dkt. 1-3 at 28 [JA-191]. On April 15, 2013, the Commission filed an enforcement proceeding in the United States District Court for the Southern District of New York. After argument, the district court (Hon. Alvin K. Hellerstein) entered an order requiring compliance with the CID in full, except as to the Commission's request for foreign complaints.

The court rejected Western Union's objections to producing documents relating to the monitor. The court acknowledged that "[a]n investigation is a very broad set of activities on the part of an administrative agency to ascertain if a law has been violated or not." Dkt. 41 at 14 [JA-842]. Thus, the court explained, documents created about one issue may nonetheless be relevant to others. Because "a money transfer can be an object or subject of laundering and it can be an aspect of fraud," the court concluded that the FTC had "prima facie" demonstrated the documents' relevance. It thus ordered Western Union to produce them. *Id.* at 11-12 [JA-839 to -840].

Id.

Id.

STANDARD OF REVIEW

SUMMARY OF ARGUMENT

ARGUMENT

FEDERAL TRADE COMMISSION'S REPLY BRIEF



See

SEC v.

Brigadoon Scotch Distrib. Co.

See

See, e.g.

See

Morrison v. Nat'l Austl. Bank Ltd

Id.

See

An Explanation of the Provisions of the US SAFE WEB Act
available at

See

Morrison

See e.g. *Hardt v. Reliance Standard Life Ins. Co.*,

1. **The Foreign Complaints “Involve” Western Union’s Domestic “Material Conduct” of Administering and Policing Its Network**

See

e.g.

Black's Law Dictionary

See

In re Cliffdale Assocs.

See

Western Union's

Morrison

Morrison

North-South Finance Corp. v. Al-Turki

IIT v. Vencap, Ltd.

See e.g. FTC v. Neovi, Inc.

Société Nationale

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See, e.g. Linde v. Arab Bank, PLC
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Elec., Radio & Mach. Workers v. Consol. Vacuum Corp.

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See RNR

Enters., Inc. v. SEC

- A. Documents Pertaining to the Work of the Monitor Are Relevant to the FTC's Investigation of Western Union's Anti-Fraud Practices**

B. The Commission's Investigatory Resolution Provided Sufficient Notice of the Nature and Scope of the Investigation

FTC v.

Carter

Id. see also Nat'l

Claims Serv., Inc.,

FTC v. O'Connell Assocs., Inc

CONCLUSION

Attorneys for Petitioner
Federal Trade Commission

CERTIFICATE OF COMPLIANCE

Microsoft Word 2010

Microsoft Word 2010

CERTIFICATE OF SERVICE OF BRIEF FILED UNDER SEAL
