

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

FEDERAL TRADE COMMISSION, *et al.*,  
  
Plaintiffs,  
  
v.  
  
AMAZON.COM, INC., a corporation,  
  
Defendant.

**CASE NO. 2:23-cv-01495-JHC**  
  
**STIPULATED MOTION AND  
ORDER REGARDING EXPERT  
DISCOVERY**  
  
NOTE ON MOTION CALENDAR:  
January 29, 2024

Pursuant to Fed. R. Civ. P. 29, the parties hereto, through their respective counsel of record, hereby stipulate to the following regarding the scope of expert discovery and testimony in this action.

1. Definitions

1.1 “Action” means the action filed in this Court under the caption *Federal Trade Commission, et al., v. Amazon.com, Inc.*, 2:23-cv-01495-JHC, including any related discovery, pretrial, trial, post-trial, or appellate proceedings.

1.2 “Communication,” “Communications,” or “Communicated” means any actual or attempted dissemination, disclosure, transmission, transfer or exchange of information, opinions,

1 or thoughts and includes, but is not limited to, written, oral, and electronic correspondence  
2 through text messages, social media and online postings, and any content on any messaging  
3 applications such as, but not limited to, WhatsApp, Signal, Microsoft Teams, Confide, Facebook  
4 Messenger, and Snapchat.

5 1.3 “Consultant” means a Person, retained by a Party or their Testifying Expert  
6 specifically for purposes of the Action, to assist that Party in the prosecution or defense of the  
7 Action, and who will not provide testimony pursuant to Fed. R. Civ. P. 26(a)(2). For the  
8 avoidance of doubt, the term Consultant does not include a Party or a Party’s employees.

9 1.4 “Counsel” shall mean, as applied to outside counsel, counsel retained by a Party  
10 or Parties in connection with the Action and, with respect to Amazon’s outside counsel, any  
11 Related Action. As applied to in-house counsel, it shall mean any lawyer employed (or  
12 previously employed, at the time of the pertinent communication) by a Party when acting  
13 primarily in a legal capacity for that Party. As applied to Plaintiffs, this includes, but is not  
14 limited to, (a) any attorneys who are, or previously were (at the time of the pertinent  
15 communication), employed by the Federal Trade Commission and acting primarily in a legal  
16 capacity for the Federal Trade Commission, and (b) any attorneys who are, or previously were  
17 (at the time of the pertinent communication), employed by the relevant office of a Plaintiff State  
18 and acting primarily in a legal capacity for that Plaintiff State. As applied to All Parties, the term  
19 Counsel also includes, but is not limited to, any economists, financial analysts, statisticians,  
20 paralegals, investigators, technologists, administrative assistants, and clerical and administrative  
21 personnel employed by, or contracted with, the Party, provided that such employees or  
22 contractors are acting under the direction or supervision of Counsel and in connection with the  
23 Action or any Related Action.

1 1.5 “Defendant” means Amazon.com, Inc., including all of its employees, agents,  
2 representatives, subsidiaries, and affiliates.

3 1.6 “Document” or “Documents” means the broadest possible definition possible  
4 under Federal Rule of Civil Procedure 34 or any applicable local rule. Documents include any  
5 and all Communications and/or electronically stored information.

6 1.7 “Party” means any Plaintiff or Defendant in the Action. “All Parties” collectively  
7 means Plaintiffs and Defendant in the Action.

8 1.8 “Person” means any natural person, corporate entity, business entity, partnership,  
9 association, joint venture, governmental entity, or trust.

10 1.9 “Plaintiffs” means the Federal Trade Commission and the Plaintiff States,  
11 including all of their employees, agents, and representatives.

12 1.10 “Related Action” shall include the following actions: (1) *Frame-Wilson v.*  
13 *Amazon.com, Inc.*, No 2:20-cv-00424 (W.D. Wash.); (2) *De Coster v. Amazon.com, Inc.*, No.  
14 2:21-cv-00693 (W.D. Wash.); (3) *Hogan v. Amazon.com, Inc.*, No. 2:21-cv-00996 (W.D.  
15 Wash.); (4) *Hopper v. Amazon.com, Inc.*, No. 2:23-cv-01523 (W.D. Wash.); (5) *Zulily, LLC v.*  
16 *Amazon.com, Inc.*, No. 2:23-cv-01900 (W.D. Wash.); (6) *People of the State of California v.*  
17 *Amazon.com, Inc.*, No. CGC-22-601826 (Cal. Super. Ct.); (7) *District of Columbia v.*  
18 *Amazon.com, Inc.*, No. 2021 CA 001775 B (D.C. Super. Ct.), dismissed, appeal pending, No. 22-  
19 CV-657 (D.C. Ct. App.); (8) *Mbadiwe et al. v. Amazon.com, Inc.*, No. 1:22-cv-09542 (S.D.N.Y.);  
20 and (9) any and all actions filed after the effective date of this Stipulation and Order that All  
21 Parties agree and/or the Court determines meet the criteria of Local Civil Rule 3(g), (h).

22 1.11 “Staff” means any individual assisting or supporting a Testifying Expert or  
23 Consultant specifically for the purposes of this Action. For the avoidance of doubt, it does not  
24

1 include a Party or a Party's employees, except that it includes a Party or Party's employees who  
2 are a Testifying Expert required to provide a report pursuant to Fed. R. Civ. P. 26(a)(2) or a Party  
3 or Party's employees who assist or support a Party or Party's employees who are required to  
4 provide a report pursuant to Fed. R. Civ. P. 26(a)(2).

5 1.13 "Plaintiff States" means the States of Connecticut, Delaware, Maine, Maryland,  
6 Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New  
7 York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Wisconsin, and any other state or  
8 territory of the United States of America that joins the Action.

9 1.14 "Testifying Expert" means a Person, retained by a Party or Parties specifically for  
10 purposes of the Action, to assist that Party in the prosecution or defense of the Action, and who  
11 is required to provide a report pursuant to Fed. R. Civ. P. 26(a)(2)(B) and/or any other Person  
12 who is required to provide an expert report pursuant to Fed. R. Civ. P. 26(a)(2).

13 2. General Provisions

14 2.1 This Stipulation and Order applies to All Parties to the Action. This Stipulation  
15 and Order provides the protocols applicable to conducting discovery relating to Testifying  
16 Expert(s), Consultant(s), or their Staff. Nothing herein shall preclude any Party from seeking to  
17 modify it later for good cause; prior to doing so, however, counsel of record shall meet and  
18 confer among themselves in a good-faith effort to reach agreement as to the appropriate scope of  
19 any modifications or revisions to this Stipulation and Order.

20 2.2 All Parties shall not serve subpoenas or discovery requests (for depositions or  
21 Documents) on any Testifying Expert, Consultant, or their Staff. Instead, the Party proffering a  
22 Testifying Expert will: (a) be responsible for producing all materials and information required  
23 under this Stipulation or, to the extent not addressed in this Stipulation, under the Federal Rules  
24

1 of Civil Procedure for the Testifying Expert, and (b) upon request, make the Testifying Expert  
2 available for deposition at or reasonably near the Testifying Expert's workplace, unless  
3 otherwise agreed by the Parties, and at a time mutually agreed to by All Parties, and consistent  
4 with the Court's scheduling order(s).

5 2.3 All Parties agree to comply with the terms of this Stipulation pending the Court's  
6 approval and entry of this Stipulation and Order.

7 3. Governing Law

8 3.1 Expert discovery shall be governed by the applicable provisions of the Federal  
9 Rules of Civil Procedure, except as otherwise provided herein or in any other order in this  
10 Action. For the avoidance of doubt, the requirements of Federal Rule of Civil Procedure  
11 26(a)(2)(A), 26(a)(2)(B), and 26(a)(2)(B)(i) remain in effect and apply to this Action  
12 notwithstanding this Stipulation and Order.

13 4. Expert materials to be disclosed

14 4.1 In lieu of the disclosures required under Federal Rule of Civil Procedure  
15 26(a)(2)(B)(ii)-(vi), no later than three business days after the service of any Testifying Expert's  
16 report pursuant to Federal Rule of Civil Procedure 26(a)(2)(B) or otherwise, the Party or Parties  
17 proffering the Testifying Expert shall produce<sup>1</sup>:

18 4.1.1 A copy of all data or other information referred to in the Testifying  
19 Expert's report or declaration and/or relied on by the Testifying Expert in forming the Testifying  
20 Expert's opinions (to the extent not already produced in discovery), including, but not limited to,

21 \_\_\_\_\_  
22 <sup>1</sup> Paragraph 4.1 (including subparagraphs 4.1.1 through 4.1.5) applies to materials created or  
23 communications occurring after the initiation of the Action in which the Testifying Expert  
24 intends to testify (i.e., post-Action Documents and communications), and to materials created or  
communications occurring prior to the initiation of the Action in which the Testifying Expert  
intends to testify (i.e., pre-Action Documents and communications).

1 complete copies of all data sets from which information relied upon was derived or obtained, all  
2 data and programs underlying any calculations, including all computer programs or code  
3 necessary to recreate any data, intermediate working-data, calculations, estimations, tables, or  
4 graphics, and including the intermediate working-data files that are generated from any initial  
5 (“raw”) data files and used in performing the calculations appearing in the report.

6           4.1.2 A list of all Documents referred to in the Testifying Expert’s report or  
7 declaration and/or relied upon by the Testifying Expert in forming the Testifying Expert’s  
8 opinions. For purposes of this list, identifying Documents by Bates number is sufficient. To the  
9 extent that any such Documents do not already have a Bates number, copies of those documents  
10 shall be produced. Such copies of Documents may be produced with a Bates number, but Bates  
11 numbering is not required.

12           4.1.3 A statement of the witness’s qualifications, including a list of all  
13 publications authored, in whole or in part, by the Testifying Expert in the previous 10 years and  
14 copies of all such publications that are not readily available publicly, provided that such  
15 publications are accessible by the Testifying Expert. Publications which exist only behind a  
16 paywall or in print shall be considered as not readily available publicly.

17           4.1.4 A list of all other case(s), wherever those cases took place, in which,  
18 during the previous 4 years, the Testifying Expert testified as an expert at trial or by deposition,  
19 including the tribunal and case number.

20           4.1.5 A statement of the terms of the compensation and of the compensation  
21 paid and/or to be paid to the Testifying Expert for the Testifying Expert’s work and testimony in  
22 the case.

1           4.2     Testifying Expert reports shall be served via email. Except to the extent included  
2 within a Testifying Expert's report, the information required by subparagraphs 4.1.1 - 4.1.5  
3 above shall be produced electronically in a manner agreed to by All Parties and, and, with  
4 respect to paragraph 4.1.1, in machine-readable format, where feasible. All Parties shall meet  
5 and confer in good faith to attempt to establish, no later than 15 days after the close of fact  
6 discovery, an agreed method for ensuring that the receiving parties are able to complete receipt  
7 of the materials by the due date.

8           4.3     Paragraphs 4.1.1 - 4.1.5 above are not intended to limit the ability of any Party to  
9 prepare and use demonstrative exhibits, including demonstrative exhibits that may relate to a  
10 Testifying Expert's testimony, during the course of any deposition, hearing, or trial. The use and  
11 disclosure of any such demonstrative exhibits shall be governed by the Federal Rules of  
12 Evidence, the Federal Rules of Civil Procedure, and this Court's Local Rules and Orders.

13 5.     Expert materials not requiring disclosure

14           5.1     Notwithstanding the foregoing and the Federal Rules of Civil Procedure, and  
15 except as otherwise required by paragraph 5.2 below, the following materials<sup>2</sup> shall not be  
16 subject to discovery or disclosure by any method (including by deposition):

17 \_\_\_\_\_  
18 <sup>2</sup> Paragraph 5.1 (including subparagraphs 5.1.1 through 5.1.8) shall apply to materials created or  
19 communications occurring after the initiation of the Action (i.e., post-Action Documents and  
20 communications). Paragraph 5.1 (including subparagraphs 5.1.1 through 5.1.8) shall also apply  
21 to materials created or communications occurring prior to the initiation of the Action (i.e., pre-  
22 Action Documents and communications), provided that (i) with respect to subparagraphs 5.1.1(a)  
23 and 5.1.1(b), all participants in the communication (a) were retained or employed by, on behalf  
24 of, or represented the same Party at the time of the communication and the communication was  
made in connection with, or in anticipation of, the Action or, with respect to Amazon, any  
Related Action, or (b) all participants in the communication were retained or employed by, on  
behalf of, or represented Plaintiffs, or investigating states that did not become Plaintiffs, at the  
time of the communication and the communication was made in connection with, or in  
anticipation of, the Action; and (ii) with respect to subparagraph 5.1.2, the Testifying Expert was

1           5.1.1 The content of communications, whether oral or written, only among or  
2 between:

3           (a) Counsel and a Testifying Expert, Consultant, and/or any Staff  
4 assisting the Testifying Expert or Consultant, except to the extent  
5 the Testifying Expert relies upon such communications as a basis  
6 or reason for his or her opinions;

7           (b) a Testifying Expert or Consultant and other Testifying Experts and  
8 Consultants, as well as any Staff assisting such Testifying Experts  
9 or Consultants, except to the extent the Testifying Expert relies  
10 upon such communications as a basis or reason for his or her  
11 opinions; and

12           (c) a Testifying Expert or Consultant and any Staff assisting such  
13 Testifying Expert or Consultant.<sup>3</sup>

14           5.1.2 Drafts of Testifying Expert reports, affidavits, declarations, or other  
15 Testifying Expert materials, including, without limitation:  
16  
17

---

18 retained or employed by or on behalf of a Party in the Action or, with respect to Amazon, any  
19 Related Action at the time the materials were prepared, and the materials were prepared on  
20 behalf of the same Party that retained or employed the Testifying Expert in the Action or, with  
21 respect to Amazon, any Related Action, and the materials were prepared in connection with, or  
22 in anticipation of, the Action or, with respect to Amazon, any Related Action.

23 <sup>3</sup> For purposes of this Stipulation and Order, “Plaintiffs’ Counsel” includes Counsel for any  
24 Plaintiff in the Action and “Defendant’s Counsel” includes Counsel for any Defendant in the  
Action or any Related Action. Communications between or among Counsel for (a) different  
Plaintiffs in this Action or (b) different Defendants (if additional defendants are later added to  
the Action or any Related Action) are included within this provision. Additionally,  
notwithstanding this provision, this expert stipulation does not, and is not intended to, abridge  
the attorney-client privilege.



- 1 (a) draft studies, analyses, opinions, or written expert testimony  
2 prepared in connection with the Action or any Related Action;
- 3 (b) draft Testifying Expert work papers prepared in connection with  
4 the Action or any Related Action; and
- 5 (c) draft computer code (including queries), preliminary or  
6 intermediate calculations, computations, modeling, intermediate  
7 working data files, log files reflecting draft computer code, or data  
8 runs prepared in connection with the Action or any Related Action,  
9 except as described in paragraph 4.1.1.

10 5.1.3 The notes of a Testifying Expert, Consultant, or Staff, except for notes of  
11 interviews of persons where the Testifying Expert, Consultant, or Staff participated in or  
12 conducted the interview and where the Testifying Expert relied on the interview in forming any  
13 opinions in his or her final report.

14 5.1.4 Any comments, whether oral or written, related to a final or draft report,  
15 affidavit, declaration, or potential testimony of a Testifying Expert prepared in connection with  
16 the Action or any Related Action by:

- 17 (a) Counsel;
- 18 (b) a Consultant;
- 19 (c) Staff;
- 20 (d) any other Testifying Expert;
- 21 (e) any other Consultant; or
- 22 (f) Staff of another Testifying Expert or Consultant.
- 23
- 24

1           5.1.5 Budgets, invoices, bills, receipts, or time records concerning Testifying  
2 Experts, Consultants, or Staff. Notwithstanding this provision, any Party may inquire into a  
3 Testifying Expert's compensation in this matter, including the Testifying Expert's hourly rates,  
4 the total hours spent by the Testifying Expert and staff members in connection with this Action,  
5 and any other payments or consideration received by the Testifying Expert relating to work in  
6 the Action.

7           5.1.6 Copies of programs, software, or instructions that are commercially  
8 available at a reasonable cost.

9           5.1.7 Documents that are readily available publicly, provided that they are  
10 identified with sufficient specificity to allow the opposing side to locate and obtain the  
11 Documents. Publications which exist only behind a paywall or in print shall be considered as not  
12 readily available publicly.

13           5.1.8 Documents that have previously been produced during discovery in the  
14 Action, provided that they are identified by Bates number in the Testifying Expert's report.

15           5.2 Notwithstanding any provision in paragraph 5 (including all subparagraphs), All  
16 Parties must produce (according to paragraphs 4.1.1, 4.1.2, and 4.2 above) all materials that:

17                   (a) constitute facts or data that the Testifying Expert relied on in  
18 forming the opinions expressed in his or her report; or

19                   (b) constitute assumptions that the Testifying Expert relied on in  
20 forming the opinions expressed in his or her report.

21 Information, communications, materials, or Documents upon which the Testifying Expert relies  
22 as a basis for their opinions are discoverable. For the avoidance of doubt, nothing herein relieves  
23  
24

1 a Testifying Expert or Party of the duty to identify the facts, data, and assumptions that the  
2 Testifying Expert relied upon as a basis for their opinions.

3 5.3 Further, notwithstanding the limitations contained in subparagraphs 5.1.1 - 5.1.8  
4 above, an expert may be asked at a deposition or trial:

5 (a) to identify and generally describe what data, facts, algorithms,  
6 modeling, regression analyses and source code the expert  
7 reviewed, investigated or considered but did not rely on or  
8 otherwise use, and

9 (b) to describe the reasons for reviewing—but not using or relying  
10 on—any such data, facts, algorithms, modeling, analyses or source  
11 code.

12 5.4 All Parties are not required to produce or exchange logs reflecting any of the  
13 aforementioned items that are not subject to discovery or production pursuant to this Stipulation  
14 and Order.

15 6. Materials relied on in reports

16 6.1 In formulating the opinions expressed in their expert reports, a Party's Testifying  
17 Experts shall not rely on documents, data, or information requested in discovery and not  
18 produced to the other Party by the close of fact discovery, except (a) by agreement between the  
19 Parties or (b) as ordered by the Court.

1 Stipulated to and respectfully submitted this 29th day of January, 2024, by:

2 s/ Edward H. Takashima  
3 SUSAN A. MUSSER (DC Bar # 1531486)  
4 EDWARD H. TAKASHIMA (DC Bar # 1001641)  
5 DANIELLE C. QUINN (NY Reg. # 5408943)  
6 COLIN M. HERD (NY Reg. # 5665740)  
7 Federal Trade Commission  
8 600 Pennsylvania Avenue, NW  
9 Washington, DC 20580  
10 Tel.: (202) 326-2122 (Musser)  
11 (202) 326-2464 (Takashima)  
12 Email: smusser@ftc.gov  
13 etakashima@ftc.gov  
14 dquinn@ftc.gov  
15 cherd@ftc.gov

16 *Attorneys for Plaintiff Federal Trade Commission*

17 s/ Michael Jo  
18 Michael Jo (admitted *pro hac vice*)  
19 Assistant Attorney General, Antitrust Bureau  
20 New York State Office of the Attorney  
21 General  
22 28 Liberty Street  
23 New York, NY 10005  
24 Telephone: (212) 416-6537  
25 Email: [Michael.Jo@ag.ny.gov](mailto:Michael.Jo@ag.ny.gov)  
26 *Counsel for Plaintiff State of New York*

27 s/ Rahul A. Darwar  
28 Rahul A. Darwar (admitted *pro hac vice*)  
29 Assistant Attorney General  
30 Office of the Attorney General of Connecticut  
31 165 Capitol Avenue  
32 Hartford, CT 06016  
33 Telephone: (860) 808-5030  
34 Email: [Rahul.Darwar@ct.gov](mailto:Rahul.Darwar@ct.gov)  
35 *Counsel for Plaintiff State of Connecticut*

36 s/ Alexandra C. Sosnowski  
37 Alexandra C. Sosnowski (admitted *pro hac*  
38 *vice*)  
39 Assistant Attorney General  
40 Consumer Protection and Antitrust Bureau  
41 New Hampshire Department of Justice  
42 Office of the Attorney General  
43 One Granite Place South  
44 Concord, NH 03301  
45 Telephone: (603) 271-2678  
46 Email: [Alexandra.c.sosnowski@doj.nh.gov](mailto:Alexandra.c.sosnowski@doj.nh.gov)  
47 *Counsel for Plaintiff State of New Hampshire*

48 s/ Caleb J. Smith  
49 Caleb J. Smith (admitted *pro hac vice*)  
50 Assistant Attorney General  
51 Consumer Protection Unit  
52 Office of the Oklahoma Attorney General  
53 15 West 6th Street, Suite 1000  
54 Tulsa, OK 74119  
55 Telephone: (918) 581-2230  
56 Email: [caleb.smith@oag.ok.gov](mailto:caleb.smith@oag.ok.gov)  
57 *Counsel for Plaintiff State of Oklahoma*

1 s/ Jennifer A. Thomson  
Jennifer A. Thomson (admitted *pro hac vice*)  
2 Senior Deputy Attorney General  
Pennsylvania Office of Attorney General  
3 Strawberry Square, 14th Floor  
Harrisburg, PA 17120  
4 Telephone: (717) 787-4530  
Email: [jthomson@attorneygeneral.gov](mailto:jthomson@attorneygeneral.gov)  
5 *Counsel for Plaintiff Commonwealth of  
Pennsylvania*

6 s/ Michael A. Undorf  
7 Michael A. Undorf (admitted *pro hac vice*)  
Deputy Attorney General  
8 Delaware Department of Justice  
820 N. French St., 5th Floor  
9 Wilmington, DE 19801  
Telephone: (302) 683-8816  
10 Email: [michael.undorf@delaware.gov](mailto:michael.undorf@delaware.gov)  
*Counsel for Plaintiff State of Delaware*

11 s/ Christina M. Moylan  
12 Christina M. Moylan (admitted *pro hac vice*)  
Assistant Attorney General  
13 Chief, Consumer Protection Division  
Office of the Maine Attorney General  
14 6 State House Station  
Augusta, ME 04333-0006  
15 Telephone: (207) 626-8800  
Email: [christina.moylan@maine.gov](mailto:christina.moylan@maine.gov)  
16 *Counsel for Plaintiff State of Maine*

17 s/ Gary Honick  
Gary Honick (admitted *pro hac vice*)  
18 Assistant Attorney General  
Deputy Chief, Antitrust Division  
19 Office of the Maryland Attorney General  
200 St. Paul Place  
20 Baltimore, MD 21202  
Telephone: (410) 576-6474  
21 Email: [Ghonick@oag.state.md.us](mailto:Ghonick@oag.state.md.us)  
*Counsel for Plaintiff State of Maryland*

s/ Michael Mackenzie  
Michael Mackenzie (admitted *pro hac vice*)  
Deputy Chief, Antitrust Division  
Office of the Massachusetts Attorney General  
One Ashburton Place, 18th Floor  
Boston, MA 02108  
Telephone: (617) 963-2369  
Email: [michael.mackenzie@mass.gov](mailto:michael.mackenzie@mass.gov)  
*Counsel for Plaintiff Commonwealth of  
Massachusetts*

s/ Scott A. Mertens  
Scott A. Mertens (admitted *pro hac vice*)  
Assistant Attorney General  
Michigan Department of Attorney General  
525 West Ottawa Street  
Lansing, MI 48933  
Telephone: (517) 335-7622  
Email: [MertensS@michigan.gov](mailto:MertensS@michigan.gov)  
*Counsel for Plaintiff State of Michigan*

s/ Zach Biesanz  
Zach Biesanz (admitted *pro hac vice*)  
Senior Enforcement Counsel  
Office of the Minnesota Attorney General  
445 Minnesota Street, Suite 1400  
Saint Paul, MN 55101  
Telephone: (651) 757-1257  
Email: [zach.biesanz@ag.state.mn.us](mailto:zach.biesanz@ag.state.mn.us)  
*Counsel for Plaintiff State of Minnesota*

s/ Lucas J. Tucker  
Lucas J. Tucker (admitted *pro hac vice*)  
Senior Deputy Attorney General  
Office of the Nevada Attorney General  
100 N. Carson St.  
Carson City, NV 89701  
Telephone: (775) 684-1100  
Email: [LTucker@ag.nv.gov](mailto:LTucker@ag.nv.gov)  
*Counsel for Plaintiff State of Nevada*

1 s/ Ana Atta-Alla  
Ana Atta-Alla (admitted *pro hac vice*)  
2 Deputy Attorney General  
New Jersey Office of the Attorney General  
3 124 Halsey Street, 5th Floor  
Newark, NJ 07101  
4 Telephone: (973) 648-3070  
Email: [Ana.Atta-Alla@law.njoag.gov](mailto:Ana.Atta-Alla@law.njoag.gov)  
5 *Counsel for Plaintiff State of New Jersey*

6 s/ Jeffrey Herrera  
Jeffrey Herrera (admitted *pro hac vice*)  
7 Assistant Attorney General  
New Mexico Office of the Attorney General  
8 408 Galisteo St.  
Santa Fe, NM 87501  
9 Telephone: (505) 490-4878  
Email: [jherrera@nmag.gov](mailto:jherrera@nmag.gov)  
10 *Counsel for Plaintiff State of New Mexico*

11 s/ Timothy D. Smith  
Timothy D. Smith, WSBA No. 44583  
12 Senior Assistant Attorney General  
Antitrust and False Claims Unit  
13 Oregon Department of Justice  
100 SW Market St  
14 Portland, OR 97201  
Telephone: (503) 934-4400  
15 Email: [tim.smith@doj.state.or.us](mailto:tim.smith@doj.state.or.us)  
*Counsel for Plaintiff State of Oregon*

s/ Stephen N. Provazza  
Stephen N. Provazza (admitted *pro hac vice*)  
Special Assistant Attorney General  
Chief, Consumer and Economic Justice Unit  
Department of the Attorney General  
150 South Main Street  
Providence, RI 02903  
Telephone: (401) 274-4400  
Email: [sprovazza@riag.ri.gov](mailto:sprovazza@riag.ri.gov)  
*Counsel for Plaintiff State of Rhode Island*

s/ Gwendolyn J. Cooley  
Gwendolyn J. Cooley (admitted *pro hac vice*)  
Assistant Attorney General  
Wisconsin Department of Justice  
Post Office Box 7857  
Madison, WI 53707-7857  
Telephone: (608) 261-5810  
Email: [cooleygi@doj.state.wi.us](mailto:cooleygi@doj.state.wi.us)  
*Counsel for Plaintiff State of Wisconsin*

**MORGAN, LEWIS & BOCKIUS LLP**

By: s/ Patty Eakes  
Patty A. Eakes, WSBA #18888  
Molly A. Terwilliger, WSBA #28449  
1301 Second Avenue, Suite 2800  
Seattle, WA 98101  
Phone: (206) 274-6400  
Email: [patty.eakes@morganlewis.com](mailto:patty.eakes@morganlewis.com)  
[molly.terwilliger@morganlewis.com](mailto:molly.terwilliger@morganlewis.com)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**WILLIAMS & CONNOLLY LLP**

Heidi K. Hubbard (*pro hac vice*)  
John E. Schmidtlein (*pro hac vice*)  
Kevin M. Hodges (*pro hac vice*)  
Jonathan B. Pitt (*pro hac vice*)  
Carl R. Metz (*pro hac vice*)  
Carol J. Pruski (*pro hac vice*)  
Constance T. Forkner (*pro hac vice*)  
680 Maine Avenue SW  
Washington, DC 20024  
Phone: (202) 434-5000  
Email: [lhubbard@wc.com](mailto:lhubbard@wc.com)  
[khodges@wc.com](mailto:khodges@wc.com)  
[jpitt@wc.com](mailto:jpitt@wc.com)  
[cmetz@wc.com](mailto:cmetz@wc.com)  
[cpruski@wc.com](mailto:cpruski@wc.com)  
[cforkner@wc.com](mailto:cforkner@wc.com)

**COVINGTON & BURLING LLP**

Thomas O. Barnett (*pro hac vice*)  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
Phone: (202) 662-5407  
Email: [tbarnett@cov.com](mailto:tbarnett@cov.com)

*Attorneys for Defendant Amazon.com, Inc.*

1 **ORDER**

2 IT IS SO ORDERED.

3 DATED this 29<sup>th</sup> day of January, 2024.

4 

5 \_\_\_\_\_  
6 JOHN H. CHUN  
7 UNITED STATES DISTRICT JUDGE

8 Presented By:

9 s/ Edward H. Takashima

10 SUSAN A. MUSSER (DC Bar # 1531486)  
11 EDWARD H. TAKASHIMA (DC Bar # 1001641)  
12 DANIELLE C. QUINN (NY Reg. # 5408943)  
13 COLIN M. HERD (NY Reg. # 5665740)

14 Federal Trade Commission

15 600 Pennsylvania Avenue, NW  
16 Washington, DC 20580

17 Tel.: (202) 326-2122 (Musser)  
18 (202) 326-2464 (Takashima)

19 Email: smusser@ftc.gov  
20 etakashima@ftc.gov  
21 dquinn@ftc.gov  
22 cherd@ftc.gov

23 *Attorneys for Plaintiff Federal Trade Commission*