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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 FEDERAL TRADE COMMISSION, *et al.*,

10 Plaintiffs,

11 v.

12 AMAZON.COM, INC., a corporation,

13 Defendant.

CASE NO.: 2:23-cv-01495-JHC

**STIPULATED MOTION AND
SCHEDULING ORDER ON
AMAZON'S MOTION TO
DISMISS THE AMENDED
COMPLAINT**

NOTE ON MOTION CALENDAR:
Monday, March 18, 2024

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16 The parties, by and through their attorneys of record, respectfully request that the Court
17 enter the proposed order set forth below regarding the briefing schedule for Amazon's motion to
18 dismiss Plaintiff's Amended Complaint.

19 In support of this request, the parties represent the following to the Court:

20 1. On October 23, 2023, the Court issued an Order setting the following deadlines
21 for Amazon's response to the Complaint and related briefing:

22 a. Defendant's answer or motion to dismiss (noted for March 22, 2024):
23 December 8, 2023.

1 b. Plaintiffs' response to any motion to dismiss: February 6, 2024.

2 c. Defendant's reply: March 22, 2024. Dkt. #78.

3 2. On December 8, 2023, Amazon filed a motion to dismiss the Complaint. Dkt.
4 #127.

5 3. On February 6, 2024, Plaintiffs filed an opposition to Amazon's motion to dismiss
6 the Complaint. Dkt. #149.

7 4. On February 13, 2024, the Court issued a Case Scheduling Order setting March
8 14, 2024 as the deadline to join additional parties. Dkt. #159.

9 5. Pursuant to the Case Scheduling Order, Plaintiffs filed an Amended Complaint on
10 March 14, 2024, that joined as plaintiffs the Commonwealth of Puerto Rico and
11 the State of Vermont. Dkt. #170. The only changes in the Amended Complaint
12 relate to this joinder.

13 6. Puerto Rico and Vermont are asserting the same claims against Amazon under
14 Section 2 of the Sherman Act, 15 U.S.C. § 2, that were previously pleaded in
15 Plaintiffs' initial Complaint by other Plaintiff States. *Id.*, Counts V and VI.
16 Puerto Rico and Vermont are not asserting any new claims.

17 7. The parties stipulate as follows, subject to Court approval, and jointly request that
18 the Court enter the following Order approving this Stipulation:

19 a. Amazon's motion to dismiss the Complaint, Dkt. #127, shall be deemed to
20 be Amazon's motion to dismiss the Amended Complaint.

21 b. Plaintiffs' opposition to Amazon's motion to dismiss the Complaint, Dkt.
22 #149, shall be deemed to be Plaintiffs' opposition to Amazon's motion to
23 dismiss the Amended Complaint.

- 1 c. Amazon's reply in support of its motion to dismiss the Complaint, to be
2 filed no later than March 22, 2024, shall be deemed to be Amazon's reply
3 in support of its motion to dismiss the Amended Complaint.
- 4 d. The inclusion of two additional parties changes the paragraph numbering
5 from the original Complaint to the Amended Complaint. For ease of
6 reference, all citations to paragraphs of the Complaint in the memoranda
7 identified in paragraphs 7a to 7c, will be written as citations to the
8 applicable paragraphs in the original Complaint.

9 Stipulated to and respectfully submitted this 18th day of March, 2024, by

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ORDER

IT IS SO ORDERED.

DATED this 18th day of March, 2024.



JOHN H. CHUN
UNITED STATES DISTRICT JUDGE