

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION et
al.,

Plaintiff(s),

v.

AMAZON.COM INC,

Defendant(s).

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

ORDER REGARDING INITIAL
DISCLOSURES, JOINT STATUS
REPORT, AND EARLY
SETTLEMENT

I. INITIAL SCHEDULING DATES

The Court sets the following dates for initial disclosure and submission of the
Joint Status Report and Discovery Plan:

Deadline for FRCP 26(f) Conference: 11/9/2023

Initial Disclosures¹ Pursuant to FRCP 26(a)(1): 11/22/2023

Combined Joint Status Report and Discovery
Plan as Required by FRCP 26(f)
and Local Civil Rule 26(f): 11/30/2023

The deadlines above may be extended only by the Court. Any request for an
extension should be made to Ashleigh Drecktrah, Courtroom Deputy, at
Ashleigh_Drecktrah@wawd.uscourts.gov. If Defendants have appeared, the parties are
directed to meet and to confer before contacting the court to request an extension.

¹ Under Local Civil Rule 5(d), Rule 26 initial disclosures and discovery requests and
responses must not be filed unless they are used in the proceedings or the court orders
filing.

1 If this case involves claims that are exempt from the requirements of FRCP
2 26(a) and 26(f), please notify Ashleigh Drecktrah at
3 Ashleigh_Drecktrah@wawd.uscourts.gov.

4 **II. JOINT STATUS REPORT & DISCOVERY PLAN**

5 All counsel and any pro se parties are directed to confer and provide the Court
6 with a combined Joint Status Report and Discovery Plan (the "Report") by
7 November 30, 2023. This conference shall be by direct and personal communication,
8 whether that be an in-person meeting, video conference, or telephone conference. The
9 Report will be used to determine if a FRCP 16 conference would be helpful and to set a
10 schedule for the prompt completion of the case. FRCP 16 provides for a pretrial
11 conference with the court for such purposes as:

- 12 1. expediting disposition of the action;
- 13 2. establishing early and continuing control so that the case will not be
14 protracted because of lack of management;
- 15 3. discouraging wasteful pretrial activities;
- 16 4. improving the quality of the trial through more thorough preparation; and
- 17 5. facilitating settlement.

18 The Joint Status Report must contain the following information, by corresponding
19 paragraph numbers.

- 20 1. A statement of the nature and complexity of the case.
- 21 2. A proposed deadline for the joining of additional parties.
- 22 3. The parties have the right to consent to assignment of this case to a full time
23 United States Magistrate Judge, pursuant to 28 U.S.C. §636(c) and Local Rule MJR 13,
24 to conduct all proceedings. The Western District of Washington assigns a wide range of
25 cases to Magistrate Judges. The Magistrate Judges of this district thus have significant
26 experience in all types of civil matters filed in our court. Additional information about

1 our district's Magistrate Judges can be found at www.wawd.uscourts.gov. The
2 parties should indicate whether they agree that the Honorable Brian A. Tsuchida
3 may conduct all proceedings including trial and the entry of judgment. When responding
4 to this question, the parties should only respond "yes" or "no." Individual party
5 responses should not be provided. A "yes" response should be indicated only if parties
6 consent. Otherwise, a "no" response should be provided.

7 4. A discovery plan that states, by corresponding paragraph letters (A, B, etc.),
8 the parties' views and proposals on all items in Fed. R. Civ. P. 26(f)(3), which
9 includes the following topics:

- 10 (A) initial disclosures;
- 11 (B) subjects, timing, and potential phasing of discovery;
- 12 (C) electronically stored information;
- 13 (D) privilege issues;
- 14 (E) proposed limitations on discovery; and
- 15 (F) the need for any discovery related orders.

16 5. The parties' views, proposals, and agreements, by corresponding paragraph
17 letters (A, B, etc.) on all items set forth in Local Civil Rule 26(f)(1), which includes
18 the following topics:

- 19 (A) prompt case resolution;
- 20 (B) alternative dispute resolution;
- 21 (C) related cases;
- 22 (D) discovery management;
- 23 (E) anticipated discovery sought;
- 24 (F) phasing motions;
- 25 (G) preservation of discoverable information;
- 26 (H) privilege issues;

1 (I) Model Protocol for Discovery of ESI; and

2 (J) alternatives to Model Protocol.

3 6. The date by which discovery can be completed.

4 7. Whether the case should be bifurcated by trying the liability issues before
5 the damages issues, or bifurcated in any other way.

6 8. Whether the pretrial statements and pretrial order called for by Local Civil
7 Rules 16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part
8 for the sake of economy.

9 9. Whether the parties intend to utilize the Individualized Trial Program set forth
10 in Local Civil Rule 39.2 or any ADR options set forth in Local Civil Rule 39.1.

11 10. Any other suggestions for shortening or simplifying the case.

12 11. The date the case will be ready for trial. The Court expects that most civil
13 cases will be ready for trial within a year after filing the Joint Status Report and
14 Discovery Plan.

15 12. Whether the trial will be jury or non-jury.

16 13. The number of trial days required.

17 14. The names, addresses, and telephone numbers of all trial counsel.

18 15. The dates on which the trial counsel may have complications to be
19 considered in setting a trial date.

20 16. If, on the due date of the Report, all defendant(s) or respondents(s) have not
21 been served, counsel for the plaintiff shall advise the Court when service will be
22 effected, why it was not made earlier, and shall provide a proposed schedule for the
23 required FRCP 26(f) conference and FRCP 26(a) initial disclosures.

24 17. Whether any party wishes a pretrial FRCP 16 conference with the judge prior
25 to entry of any order pursuant to Rule 16 or setting of a schedule for this case. If yes,
26 indicate whether a party wishes an in-person or telephonic conference.

1 18. List the date(s) that each and every nongovernmental corporate party filed
2 its disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Rule 7.1.

3 If the parties are unable to agree on any part of the Report, they may answer in
4 separate paragraphs. No separate reports are to be filed. If the parties wish to have a
5 status conference with the Court at any time during the pendency of this action, they
6 should notify Ashleigh Drecktrah at Ashleigh_Drecktrah@wawd.uscourts.gov.

7 **III. PLAINTIFF'S RESPONSIBILITY**

8 This Order is issued at the outset of the case, and a copy is sent by the clerk to
9 counsel for plaintiff (or plaintiff, if pro se) and any defendants who have appeared.
10 Plaintiff's counsel (or plaintiff, if pro se) is directed to serve copies of this Order on all
11 parties who appear after this Order is filed. Such service shall be accomplished
12 within ten (10) days after each appearance. Plaintiff's counsel (or plaintiff, if pro se)
13 will be responsible for starting the communications needed to comply with this Order.

14 **IV. PROCEDURAL INFORMATION**

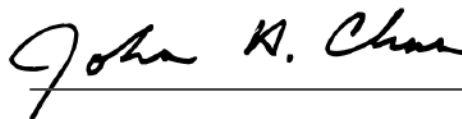
15 The Local Rules, Electronic Filings Procedures for Civil and Criminal Cases,
16 court forms, instruction sheets, and General Orders, can be found on the Court's
17 website at www.wawd.uscourts.gov.

18 **V. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION**

19 If settlement is achieved, counsel shall immediately notify Ashleigh Drecktrah
20 at Ashleigh_Drecktrah@wawd.uscourts.gov.

21 The parties are responsible for complying with the terms of this Order. The Court
22 may impose sanctions on any party who fails to comply fully with this Order.

23 Dated the 24th of October 2023.

24 

25 John H. Chun
26 United States District Judge