THE HONORABLE JOHN H. CHUN

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

DECLARATION OF EMILY K. BOLLES IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF DOCUMENTS RELATED TO SPOLIATION

I, Emily K. Bolles, declare as follows:

1. I am an Attorney in the Federal Trade Commission's ("FTC") Bureau of Competition, and I represent the FTC in the above-captioned action. I am over eighteen years of age and am competent to testify to the matters set forth in this declaration. I make the following statements based on my personal knowledge.

2. I certify that Plaintiffs conferred in good faith with counsel for Amazon in an effort to resolve the parties' dispute without Court action. Counsel for Plaintiffs and counsel for Amazon have met and conferred at length regarding Plaintiffs' RFP Nos. 25 and 27, both by email and letter exchanges and through telephonic meet and confers on the following dates: January 9, 2024; March 6, 2024; and April 15, 2024.

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3. The FTC sent a Voluntary Access Letter requesting documents to Amazon on August 5, 2019.

4. The FTC served a Civil Investigative Demand on Amazon on February 20, 2020.

5. On November 14, 2023, Plaintiffs served RFP No. 25 on Amazon. RFP No. 25 calls for: "All litigation holds, preservation notices, or similar documents sent by Amazon in connection with the June 17, 2019 preservation letters, August 5, 2019 Voluntary Access Letter, February 20, 2020 Civil Investigative Demand, and/or September 26, 2023 Complaint in this matter."

6. On November 14, 2023, Plaintiffs served RFP No. 27 on Amazon. RFP No. 27 calls for: "All documents relating to instructions or advice given to employees about the use of ephemeral messaging, including but not limited to Signal or Wickr."

7. Attached as **Exhibit A** is a true and correct copy of a news article by Dana Mattioli, *Amazon's Washington Strategy Wins Few New Friends in the Biden Era*, WALL ST. J. (Mar. 10, 2022), https://www.wsj.com/articles/amazon-washington-biden-carney-antitrust-11646763777, downloaded on April 23, 2024.

8. Attached as **Exhibit B** is a true and correct copy of a document sent by Kosta Stojilkovic, counsel for Amazon, to Emily K. Bolles, counsel for the FTC, dated July 6, 2023.

9. Attached as **Exhibit C** is a true and correct copy of a letter from Thomas O. Barnett, counsel for Amazon, to David Schwartz, counsel for the FTC, dated March 22, 2022. Plaintiffs have redacted certain portions of Exhibit C that are not cited in Plaintiffs' Motion to Compel at Amazon's request, pursuant to LCR 5(g)(1).

10. Attached as **Exhibit D** is a true and correct copy of a letter from Beth Wilkinson, counsel for Amazon, to David Schwartz, counsel for the FTC, dated August 31, 2022.

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11. Attached as **Exhibit E** is a true and correct copy of a document produced by Amazon with the Bates number Amazon-FTC-CID_08914012-13, which has been marked as PX2071.

12. Attached as **Exhibit F** is a true and correct copy of an excerpt from the transcript of the October 20, 2022 Investigational Hearing of Jeffrey P. Bezos conducted during Plaintiffs' pre-Complaint investigation.

13. Attached as **Exhibit G** is a true and correct copy of an excerpt from the transcript of the September 27, 2022 Investigational Hearing of Jeff Blackburn conducted during Plaintiffs' pre-Complaint investigation. Plaintiffs have redacted certain portions of Exhibit G that are not cited in Plaintiffs' Motion to Compel at Amazon's request, pursuant to LCR 5(g)(1).

14. Attached as **Exhibit H** is a true and correct copy of two documents produced by Amazon with the Bates numbers AMZN-RTL-FTC-00019920 and AMZN-RTL-FTC-00019921. The metadata produced by Amazon identifies Peter Krawiec as the custodian for both documents. The images appearing on page 9 of Plaintiffs' Motion to Compel are taken from Exhibit H. Plaintiffs have redacted certain portions of Exhibit H that are not cited in Plaintiffs' Motion to Compel at Amazon's request, pursuant to LCR 5(g)(1).

15. Attached as **Exhibit I** is a true and correct copy of a document produced by Amazon with the Bates number AMZN-RTL-FTC-00019848. Plaintiffs have redacted certain portions of Exhibit I that are not cited in Plaintiffs' Motion to Compel at Amazon's request, pursuant to LCR 5(g)(1).

16. Attached as **Exhibit J** is a true and correct copy of a document produced by Amazon with the Bates number AMZN-RTL-FTC-00019849.

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17. Attached as **Exhibit K** is a true and correct copy of a letter from Stephen Antonio, counsel for the FTC, to Andrew Devore, counsel for Amazon, dated June 17, 2019, which has been marked as PX2079.

18. Attached as **Exhibit L** is a true and correct copy of a letter from Thomas O. Barnett, counsel for Amazon, to David Schwartz, counsel for the FTC, dated May 20, 2022. Plaintiffs have redacted certain portions of Exhibit L that are not cited in Plaintiffs' Motion to Compel at Amazon's request, pursuant to LCR 5(g)(1).

19. Attached as **Exhibit M** is a true and correct copy of an Amazon privilege log dated August 31, 2022, which has been marked as PX1703.

20. Attached as **Exhibit N** is a true and correct copy of a document produced (in redacted form) by Amazon in connection with the October 7, 2022 Investigational Hearing of Amazon's corporate representative conducted during Plaintiffs' pre-Complaint investigation, which has been marked as PX1826. The redactions in this document were made by Amazon.

21. Attached as **Exhibit O** is a true and correct copy of an excerpt from the transcript of the October 7, 2022 Investigational Hearing of Amazon's corporate representative conducted during Plaintiffs' pre-Complaint investigation. Plaintiffs have redacted certain portions of Exhibit O that are not cited in Plaintiffs' Motion to Compel at Amazon's request, pursuant to LCR 5(g)(1).

22. Attached as **Exhibit P** is a true and correct copy of a document produced (in redacted form) by Amazon in connection with the October 7, 2022 Investigational Hearing of Amazon's corporate representative conducted during Plaintiffs' pre-Complaint investigation, which has been marked as PX1828. The redactions in this document were made by Amazon.

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23. Attached as **Exhibit Q** is a true and correct copy of a letter from Constance T. Forkner, counsel for Amazon, to Emily K. Bolles, counsel for the FTC, dated April 19, 2024. Plaintiffs have redacted certain portions of Exhibit Q that are not cited in Plaintiffs' Motion to Compel at Amazon's request, pursuant to LCR 5(g)(1).

24. Attached as **Exhibit R** is a true and correct copy of a letter from Constance T. Forkner, counsel for Amazon, to Emily K. Bolles, counsel for the FTC, dated April 5, 2024. Plaintiffs have redacted certain portions of Exhibit R that are not cited in Plaintiffs' Motion to Compel at Amazon's request, pursuant to LCR 5(g)(1).

25. Attached as **Exhibit S** is a true and correct copy of an excerpt from an Amazon privilege log dated March 25, 2021.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 25, 2024, in Washington, DC.

s/ Emily K. Bolles
Emily K. Bolles

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