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

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue, NW
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(202) 326-2222

Pursuant to W.D. Wash. LCR 7(n), Plaintiffs submit for the Court's consideration as supplemental authority in support of their opposition to Amazon's motion to dismiss (Dkt. #149) the attached recently issued decision in *District of Columbia v. Amazon.com, Inc.*, __ A.3d __, No. 22-cv-0657 (D.C. Aug. 22, 2024). The parties have agreed that the *District of Columbia* case involves all or a material part of the same subject matter and all or substantially the same parties as this action. JSR at 39 (Dec. 15, 2023), Dkt. #135. The District of Columbia Court of Appeals held that the District alleged sufficient facts to overcome Amazon's motion to dismiss, including by plausibly alleging anticompetitive effects from the Amazon policies challenged in the District's complaint. *District of Columbia*, slip op. at 15-19, 23-24. The Court of Appeals therefore reversed the trial court's dismissal of the District's complaint.

Dated: August 23, 2024

Respectfully submitted,

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