UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEBORAH FRAME-WILSON, *et al.*, Plaintiffs, v. AMAZON.COM, INC., Defendant.	No. 2:20-cv-00424-JHC **STIPULATED MOTION AND ORDER REGARDING DEPOSITION OF BEN GARRY** NOTE ON MOTION CALENDAR: August 22, 2025
ELIZABETH DE COSTER, *et al.*, Plaintiffs, v. AMAZON.COM, INC., Defendant.	No. 2:21-cv-00693-JHC
CHRISTOPHER BROWN, *et al.*, Plaintiffs, v. AMAZON.COM, INC., Defendant.	No. 2:22-cv-00965-JHC
FEDERAL TRADE COMMISSION, et al., Plaintiffs, v. AMAZON.COM, INC., Defendant.	No. 2:23-cv-01495-JHC

WHEREAS, Private Plaintiffs in the above-captioned matters have noticed the deposition of Mr. Benjamin Garry, who is an attorney duly licensed to practice in the State of Washington and has represented Amazon.com, Inc. ("Amazon") as an in-house lawyer since at least 2016;

WHEREAS, parties in Coordinated Cases may participate in depositions noticed in the Coordinated Cases pursuant to the limitations set forth in the Coordinated Discovery Orders;[1]

WHEREAS, pursuant to the Coordinated Discovery Orders, counsel for Plaintiffs in *FTC* ("Coordinated Parties") have indicated their intent to participate in the deposition of Mr. Garry;

WHEREAS, this Stipulated Agreement supplements and does not supersede the terms of the Coordinated Discovery Orders, and other orders issued by the court in these and other coordinated cases;

WHEREAS, Private Plaintiffs and Coordinated Parties represent that they do not seek information that is protected by the attorney-client privilege, the work-product protection, or any other privilege or protection recognized by law;

WHEREAS, the Parties seek to balance the parties' concerns regarding permitting reasonable discovery without creating unnecessary risk of delving into potentially privileged matters;

WHEREAS, the Parties further seek to minimize the questioning of a lawyer on topics and matters where the same information could be obtained from a non-lawyer witness;

Amazon, Private Plaintiffs and Coordinated Parties (collectively herein, the "Parties") therefore agree as follows:

1. The Parties agree that the scope of the examination of Mr. Garry shall be limited to matters reflected in documents produced by Amazon in this case (including Coordinated Cases), in which it appears from the face of the document, metadata, or other documents or testimony provided by Amazon or its employees (current or former) that Mr. Garry authored or otherwise contributed to non-privileged discussion or drafting of the document ("Garry Documents"). The

[1] *See, e.g., California v. Amazon.com, Inc.*, No. CGC-22-601826 (Cal. Super. Ct.) (order entered Dec, 6, 2024); *FTC v. Amazon.com, Inc.*, No. 2:23-cv-01495-JHC, Dkt. No. 337 (W.D. Wash.); *Mbadiwe et al. v. Amazon.com, Inc.*, Dkt. No. 69 No. 1:22-cv-9542-VSB (S.D.N.Y.)

Parties will confer in good faith concerning any disputes that arise during the deposition about this paragraph.

2. Pursuant to Fed. R. Evid. 502(d) and subject to the limitations in this paragraph and paragraph (3), no statement made by Mr. Garry during the deposition, nor use of, discussion of, or reference to any document or exhibit during Mr. Garry's deposition, shall, for the purposes of this proceeding or any other federal or state proceeding, constitute an independent basis for waiver by Amazon of any privilege or protection applicable to the subject or substance of his response, including the attorney-client privilege, attorney work-product protection, or any other privilege or protection recognized by law. For avoidance of doubt, this non-waiver provision does not limit Private Plaintiffs' or Coordinated Parties' use of Mr. Garry's testimony in any context for reasons other than asserting a privilege waiver against Amazon. This order shall be interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d). The provisions of Federal Rule of Evidence 502(b) do not apply to this order.

3. Amazon agrees that it will not affirmatively cite, quote from, reference or elicit testimony (during the deposition or later, including via sworn statements) from Mr. Garry on substantive topics where Amazon objects on the basis of privilege and instructs Mr. Garry not to answer. For the avoidance of doubt, nothing in this stipulation limits Amazon's ability to submit a declaration from Mr. Garry to support any privilege dispute being resolved by the Special Master or the Court. Amazon further agrees that the non-waiver provision of paragraph (2) above shall not apply to testimony provided during Amazon's counsel's questioning of Mr. Garry during the deposition, if any.

DATED August 22, 2025.

Respectfully submitted,

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IT IS SO ORDERED this 22nd day of August, 2025.

John H. Chun
UNITED STATES DISTRICT JUDGE