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 OLGA MUSAYEV IN SUPPORT OF PLAINTIFFS' LCR 37 JOINT SUBMISSION REGARDING PRIVILEGE CLAW BACKS

I, Olga Musayev, 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. The parties met-and-conferred on the issues raised in Plaintiffs' motion to compel set forth in the LCR 37 Joint Submission Regarding Privilege Claw Backs on July 28, 2025. The conference took place via Microsoft Teams and included myself and Michael Baker on behalf of Plaintiffs, and Robert Keeling, Katie Trefz, Kristen DeWilde, Kristen Knapp, and Alex Heldman

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on behalf of Amazon. The parties made a good-faith effort to resolve the disputes stated in this submission but were unable to do so.

3. Plaintiffs requested that Amazon re-produce clawed back documents (1) that had been subject to privilege re-review, (2) that were first produced in the underlying investigation, and (3) that were used in depositions without objection. Amazon declined to do so for the first and third category of documents. For the second category of documents, those first produced in the investigation, Amazon agreed to share with Plaintiffs the evidence that Amazon provided to private plaintiffs regarding inadvertence for a subset of investigation-era documents, but it declined to do so for the remaining documents.

4. Attached as **Exhibit 1** is a true and correct copy of a letter from Amazon counsel Constance Forkner that Plaintiffs received on January 16, 2024.

5. Attached as **Exhibit 2** is a true and correct copy of an email from Amazon counsel Robert Keeling that Plaintiffs received on July 8, 2025.

6. Attached as **Exhibit 3** is a true and correct copy of a letter from Amazon counsel Kristen Knapp that Plaintiffs received on July 25, 2025.

7. Attached as **Exhibit 4** is a true and correct copy of a letter from Amazon counsel Constance Forkner that Plaintiffs received on January 24, 2024.

8. Attached as **Exhibit 5** is a true and correct copy of emails between Plaintiff counsel Emily Bolles and Amazon counsel Constance Forkner in March and April 2024.

9. Attached as **Exhibit 6** is a true and correct copy of a letter from Amazon counsel Robert Keeling that Plaintiffs received on May 29, 2024.

10. Attached as **Exhibit 7** is a true and correct copy of an email with attachments from Amazon counsel Kristen Knapp that Plaintiffs received on July 18, 2025.

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11. Attached as **Exhibit 8** is a true and correct copy of an email with attachments from Amazon counsel William Farrior that Plaintiffs received on July 28, 2025.

12. Attached as **Exhibit 9** is a true and correct copy of an excerpt of the official transcript of the deposition of a former Amazon Senior Product Manager on May 23, 2025.

13. Attached as **Exhibit 10** is a true and correct copy of the post-claw back version of the document bearing the Bates stamp CAAGLit-AMZ 10659900. A version of this document was used as Exhibit 10 in the deposition shown in exhibit 9.

14. Attached as **Exhibit 11** is a true and correct copy of the pre-claw back version of the document bearing the Bates stamp CAAGLit-AMZ 10659900 that was used as Exhibit 10 in the deposition shown in exhibit 9.

15. Attached as **Exhibit 12** is a true and correct copy of an excerpt of the official transcript of the deposition of an Amazon Vice President on June 4, 2025.

16. Attached as **Exhibit 13** is a true and correct copy of the post-claw back version of the document bearing the Bates stamp Amazon-FTC-CID 10337655. A version of this document was used as Exhibit 12 in the deposition shown in exhibit 12.

17. Attached as **Exhibit 14** is a true and correct copy of the pre-claw back version of the document bearing the Bates stamp Amazon-FTC-CID 10337655 that was used as Exhibit 12 in the deposition shown in exhibit 12.

18. Attached as **Exhibit 15** is a true and correct copy of an email with attachments from Amazon counsel William Farrior that Plaintiffs received on August 1, 2025.

19. Attached as **Exhibit 16** is a true and correct copy of an email with attachments from Amazon counsel William Farrior that Plaintiffs received on August 4, 2025.

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20. I have conferred with Plaintiffs' counsel that were involved in the investigation underlying this litigation. Based on these conversations, I understand the following:

21. At the beginning of this litigation, Plaintiffs conferred with Amazon about the treatment of documents produced in the pre-Complaint investigation in litigation. Amazon had initially refused to either produce such documents or agree to treat them as re-produced in litigation. After negotiation, the parties agreed to "deem" them produced in the litigation subject to the conditions laid out in Exhibit 5.

22. Amazon has since clawed back over 700 documents, many on the eve of deposition. Dozens of these documents were previously downgraded during privilege re-review, were clawed back after being produced in the investigation years ago, or both.

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

Executed on August 22, 2025, in San Francisco, CA.

s/ Olga Musayev
Olga Musayev

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