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

PLAINTIFF FEDERAL TRADE COMMISSION'S MOTION FOR STAY IN LIGHT OF UNITED STATES GOVERNMENT CESSATION

NOTE ON MOTION CALENDAR: October 1, 2025

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Plaintiff Federal Trade Commission ("FTC") hereby moves for a stay of all proceedings in the above-captioned case during the United States government cessation. In support of that motion, the FTC states as follows:

1. At 11:59 p.m. on September 30, 2025 the continuing resolution that had been funding the FTC expired, and appropriations to the FTC lapsed. The FTC does not know when Congress will restore the agency's funding.

2. Absent an appropriation, FTC staff are prohibited from working, even on a voluntary basis, "except for emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. Accordingly, the FTC's policy is to seek a stay of all pending litigation, as it has done in response to previous lapses in federal appropriations.

3. The FTC therefore requests that this Court stay all proceedings in this case until Congress has restored appropriations to the FTC, with a limited exception for depositions that are in progress at the time of the Court's order. The stay should apply to all depositions coordinated between this case and any Coordinated Actions under the Deposition Coordination Protocol and Order, Dkt. #337. There are a significant number of depositions currently noticed or scheduled to take place in this action. The vast majority of those depositions are coordinated with at least one other case. A stay that does not apply to coordinated depositions will create significant logistical and other difficulties, and may be prejudicial to Plaintiffs' case. Therefore, while we regret the disruption to other cases, the FTC requests a stay of all proceedings, including coordinated depositions.

4. If this motion for a stay is granted, the FTC will notify Amazon, the Plaintiff States, the Court, and plaintiffs in coordinated cases promptly after Congress has appropriated funds permitting the FTC to resume normal operations. The FTC requests that the Court order Plaintiffs and Amazon to meet and confer as soon as practicable after the FTC resumes normal

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operations regarding appropriate new deadlines based on the duration of the lapse in appropriations and to provide the Court with a proposal for a revised schedule in this case.

5. Denial of this motion by the Court would constitute express legal authorization for FTC staff to continue work. In the event of a denial of this motion, the FTC will continue to comply with the case deadlines in effect in this action.

6. Counsel for the Plaintiff States has authorized counsel for the FTC to state that the Plaintiff States support the FTC's position on this motion.

7. Counsel for Defendant Amazon.com, Inc. ("Amazon") has authorized counsel for the FTC to state that Amazon takes no position on this motion at this time.

8. Counsel for plaintiffs in cases with which the parties have conducted and/or may conduct coordinated depositions have the following positions:

a. Counsel for the People of the State of California in *People of the State of California v. Amazon.com, Inc.*, No. CGC-22-601826 (Cal. Super. Ct.) has authorized counsel for the FTC to state that the People oppose any stay of coordinated fact discovery in this action, but take no position as to the remainder of this motion.

b. Counsel for the District of Columbia in *District of Columbia v. Amazon.com, Inc.*, No. 2021 CA 001775 B (D.C. Super.) has authorized counsel for the FTC to state that the District takes no position on this motion.

c. Counsel for the Private Plaintiffs in *Frame-Wilson v. Amazon.com, Inc.*, No 2:20-cv-00424 (W.D. Wash.), *De Coster v. Amazon.com, Inc.*, No. 2:21-cv-00693 (W.D. Wash.), and *Brown v. Amazon.com, Inc.*, No. 2:22-cv-00965 (W.D. Wash.), has authorized counsel for the FTC to state that the Private Plaintiffs do not oppose this motion because the *De Coster* case can proceed to trial in October 2026 as set by the Court or earlier if need be to

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address Amazon's motion to reconsider even if some of the few remaining depositions, the vast majority of which are of non-parties, may need to be rescheduled to accommodate the FTC.

d. Counsel for Zulily, LLC and Old Retail ABC LLC in *Zulily, LLC v. Amazon.com, Inc.*, No. 2:23-cv-01900 (W.D. Wash.) has authorized counsel for the FTC to state that Zulily, LLC and Old Retail ABC LLC do not oppose this motion.

e. Counsel for plaintiffs in *Mbadiwe v. Amazon.com, Inc.*, No. 1:22-cv-09542 (S.D.N.Y.) ("Mbadiwe Plaintiffs") has authorized counsel for the FTC to state that the Mbadiwe Plaintiffs do not oppose this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the FTC hereby moves the Court for an Order staying all proceedings in this action until Congress appropriates funds permitting the Federal Trade Commission to resume normal operations.

Dated: October 1, 2025

Respectfully submitted,

s/ Edward H. Takashima

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