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

JOINT STATUS REPORT

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Pursuant to the February 13, 2024 Case Management Order ("CMO"), Plaintiffs Federal Trade Commission ("FTC") and the states and territories of New York, Connecticut, New Hampshire, Oklahoma, Oregon, Pennsylvania, Delaware, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Puerto Rico, Rhode Island, Vermont, and Wisconsin, by and through their respective Attorneys General (together, "Plaintiff States," and collectively with the FTC, "Plaintiffs") and Defendant Amazon.com, Inc. ("Amazon") submit this joint status report in advance of the parties' December 15, 2025 status conference with the Court.

I. STATUS OF LITIGATION

Plaintiffs filed the Complaint on September 26, 2023, Dkt. #1, and filed an Amended Complaint adding Puerto Rico and Vermont as Plaintiffs on March 14, 2024, Dkt. #170. Amazon filed a Motion to Dismiss the Complaint on December 8, 2023, Dkt. #127, which the parties agreed and the Court ordered would be deemed to be Amazon's Motion to Dismiss the Amended Complaint, Dkt. #175. The Court granted the motion as to certain state law claims and otherwise denied the motion on September 30, 2024, and granted leave to amend certain state law claims, Dkt. #289. The Court also granted Plaintiffs' motion to bifurcate. Dkt. #289.

Plaintiffs filed a Second Amended Complaint on October 31, 2024, amending state law claims under the laws of Maryland, Pennsylvania, and New Jersey. Dkt. #326. Amazon filed a motion to dismiss the amended Pennsylvania and New Jersey claims on November 14, 2024, Dkt. #340, and the Court granted that motion on March 20, 2025. Dkt. #450. Amazon also filed an Answer to the Second Amended Complaint on November 14, 2024. Dkt. #341. Amazon filed a Motion for Judgment on the Pleadings as to the FTC's claims on December 6, 2024. Dkt. #372.

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The Court denied that motion on April 8, 2025, and denied Amazon's request to certify the matter for an interlocutory appeal. Dkt. #463.

On June 4, 2025, the Court issued an Amended Case Scheduling Order, Dkt. #492, that included the following key dates:

October 22, 2025	Close of Fact Discovery
June 22, 2026	Close of Expert Discovery
August 3, 2026	Deadline to File Dispositive and *Daubert* Motions (with motions noted for October 12, 2026)
January 25, 2027	Final Pretrial Conference
February 9, 2027	Bench Trial

On October 1, 2025, the Court ordered a stay of all proceedings in this action, including all depositions coordinated between this case and any Coordinated Actions pursuant to the Deposition Coordination Protocol and Order, Dkt. #337, during the United States government shutdown. Dkt. #548. The Court lifted that stay order on November 18, 2025. Dkt. #556.

II. JOINT REPORT ON THE STATUS OF DISCOVERY

A. Party Discovery

The parties are continuing to meet and confer regarding various discovery issues, including:

- Amazon's responses to Plaintiffs' interrogatories, including Amazon's Objections and Responses to Plaintiffs' Fourth Set of Interrogatories;
- Plaintiffs' responses to Amazon's interrogatories;
- The scope and timing of a Fed. R. Civ. P. 30(b)(6) deposition of Amazon, and coordination between that deposition and a corporate deposition of Amazon in

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The People of the State of California v. Amazon.com, Inc., No. CGC-22-601826 (Cal. Super. Ct.);

- Amazon's ongoing production of structured data, and associated data definitions;
- Amazon's privilege claims and the adequacy of Amazon's privilege logs; and
- Amazon's collection and production of documents in response to Plaintiffs' discovery requests, including Amazon's collection and production of messages from custodians' phones and devices and Amazon's "refresh" production of specific custodians and document requests identified by Plaintiffs.

The parties are hopeful that they will be able to resolve or narrow their disputes through further discussions, but will file discovery motions promptly if the parties come to an impasse.

Plaintiffs have taken the depositions of 61 Amazon employees or former employees and have noticed the depositions of an additional three Amazon employees or former employees. The parties have confirmed dates for one of these additional depositions and are engaging in active discussions about dates for the remainder. The parties have coordinated many of those depositions with the Coordinated Actions, as required by the Deposition Coordination Protocol and Order. Plaintiffs have also noticed a Fed. R. Civ. P. 30(b)(6) deposition of Amazon. As noted above, the parties are engaged in negotiations regarding the scope of that deposition and coordination issues related to the deposition.

B. Third Party Discovery

Plaintiffs have served 44 document subpoenas to third-party online retailers and marketplaces, third-party logistics providers, and sellers, and will issue additional subpoenas as needed. Plaintiffs are conferring with third-party subpoena recipients regarding the scope of their responses to Plaintiffs' requests.

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Amazon has served 48 third-party subpoenas seeking documents from online retailers and marketplaces, third-party logistics providers, and sellers. Amazon is conferring with those third parties to reach agreement on the documents to be produced in response to Amazon's requests.

The parties have agreed to regular exchanges of information about subpoenas to third parties and third parties' responses and objections. The parties have also agreed to hold joint meet and confers when requested by third parties in order to minimize the burden of discovery for them.

The parties have taken 39 depositions of third-party witnesses to date, including coordinated depositions. To date, the parties have noticed an additional 29 depositions of third-party witnesses, and have confirmed dates for six of those depositions.

Plaintiffs have reached an impasse with Best Buy Co., Inc. ("Best Buy") regarding the scope of Best Buy's document production and deposition testimony. Plaintiffs and Best Buy have agreed to submit their dispute to the Court using the LCR 37 joint submission procedure, and Plaintiffs anticipate filing that joint submission no later than December 12, 2025.

III. CASE SCHEDULE

Pursuant to the Court's October 1, 2025 order staying this case due to the government shutdown, Dkt. #548, the parties have met and conferred regarding new case deadlines, and have agreed on the proposed schedule below, subject to the Court's approval:

Event	Current Deadline	Proposed Deadline
Close of Fact Discovery	October 22, 2025	January 30, 2026
Deadline to file motions related to discovery	October 22, 2025	January 30, 2026

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Event	Current Deadline	Proposed Deadline
Disclosure of opening expert reports from parties bearing the burden on an issue	December 31, 2025 (70 days after close of fact discovery)	March 27, 2026 (56 days after close of fact discovery)
Disclosure of rebuttal expert reports	March 16, 2026 (75 days after opening reports)	June 10, 2026 (75 days after opening reports)
Disclosure of reply expert reports	May 25, 2026 (70 days after rebuttal reports)	August 19, 2026 (70 days after rebuttal reports)
Close of expert discovery	June 22, 2026 (28 days after reply reports)	September 16, 2026 (28 days after reply reports)
Dispositive and *Daubert* motions	August 3, 2026 (42 days after close of expert discovery)	October 16, 2026 (30 days after close of expert discovery)
Oppositions to dispositive and *Daubert* motions	September 14, 2026 (42 days later)	November 25, 2026 (40 days later)
Reply briefs in support of dispositive and *Daubert* motions	October 12, 2026 (28 days later)	December 23, 2026 (28 days later)
Plaintiffs' pretrial statement	December 9, 2026 (58 days later)	February 3, 2027 (42 days later)
Settlement conference held no later than	December 11, 2026 (2 days later)	February 5, 2027 (2 days later)
Defendant's pretrial statement	December 18, 2026 (9 days after Plaintiffs' Pretrial statement)	February 12, 2027 (9 days after Plaintiffs' Pretrial statement)
Motions in limine	December 29, 2026 (11 days later)	February 22, 2027 (10 days later)

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Event	Current Deadline	Proposed Deadline
Proposed Pretrial Order	January 8, 2027 (10 days later)	March 5, 2027 (11 days later)
Deposition designations submitted to the Court	January 8, 2027	March 5, 2027
Pretrial conference	January 25, 2027 (17 days later)	March 15, 2027 (10 days later)
Trial briefs, proposed findings of fact, and proposed conclusions of law	February 2, 2027 (8 days later)	March 22, 2027 (7 days later)
Bench Trial	February 9, 2027 (8 days later)	March 29, 2027 (7 days later)

The parties propose this schedule understanding that the parties to the coordinated *District of Columbia v. Amazon* action will request that the May 10, 2027 trial date in that action be continued. In the event that trial is not continued, the parties will confer regarding the schedule and update the Court as necessary.

IV. PENDING MOTIONS

There are no pending motions before the Court.

Dated: December 10, 2025

Respectfully submitted,

s/ Shira Steinberg

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