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 NATHAN MENDELSOHN IN SUPPORT OF PLAINTIFFS' LCR 37 JOINT SUBMISSION REGARDING PLAINTIFFS' MOTION TO COMPEL DOCUMENTS AND TESTIMONY RELATED TO BEST BUY'S THIRD-PARTY MARKETPLACE

I, Nathan Mendelsohn, 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 Plaintiffs' Motion to Compel Documents and Testimony Related to Best Buy's Third-Party Marketplace numerous times, including between

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September 2, 2025, and November 24, 2025. The conferences included myself and Eric Zepp on behalf of Plaintiffs as well as Ellen Jalkut and Anne Lockner on behalf of Best Buy.

3. In addition, on September 26, 2025, Plaintiffs, the People of the State of California, Amazon, and Best Buy met and conferred in an attempt to resolve the disputes stated in this submission but were unable to do so. The attendees included myself and Eric Zepp on behalf of Plaintiffs, Lauren Pomery on behalf of the California Department of Justice, Eamon Dowd, David Alpert, and Neema Sahni on behalf of Amazon, Anne Lockner and Ellen Jalkut on behalf of Best Buy, and Best Buy's in-house counsel, Gordon Vizecky.

4. During the course of these meet and confers, Best Buy stated that it would limit the produced materials and deposition testimony regarding its third-party marketplace, primarily because it did not want Amazon to have access to its sensitive planning and strategic materials. Over the course of these negotiations, Best Buy agreed to produce certain categories of materials regarding its third-party marketplace, as described in Exhibit A and Exhibit B. However, Best Buy confirmed it was not willing to produce documents or provide testimony about its forward-looking plans or projections for its marketplace.

5. Attached as **Exhibit A** is a true and correct copy of a letter from Ellen Jalkut, counsel for Best Buy, to Eric Zepp, counsel for the FTC, dated August 15, 2025.

6. Attached as **Exhibit B** is a true and correct copy of a letter from Ellen Jalkut, counsel for Best Buy, to Neema Sahni, counsel for Amazon, dated October 27, 2025.

7. Attached as **Exhibit C** is a true and correct copy of an email exchange from Eamon Dowd, counsel for Amazon, to Eric Zepp, counsel for the FTC, and others with the latest in time email dated October 3, 2025.

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8. Attached as **Exhibit D** is a true and correct copy of Plaintiffs' Subpoena to Produce Documents Issued to Best Buy, dated April 26, 2024.

9. Attached as **Exhibit E** is a true and correct copy of an email exchange from Nathan Mendelsohn, counsel for the FTC, to Ellen Jalkut, counsel for Best Buy, and others with the latest in time email dated January 23, 2025.

10. Attached as **Exhibit F** is a true and correct copy of Plaintiffs' Subpoena to Testify Issued to Best Buy, dated June 16, 2025.

11. Attached as **Exhibit G** is a true and correct copy of an email exchange from Eric Zepp, counsel for the FTC, to Ellen Jalkut, counsel for Best Buy, and others with the latest in time email dated July 24, 2025.

12. Attached as **Exhibit H** is a true and correct copy of an article from Best Buy's website entitled "Welcome to the Best Buy Marketplace: a Q&A with Frank Bedo," available at https://corporate.bestbuy.com/2025/marketplace-qa/ and last accessed on November 25, 2025.

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

Executed on December 12, 2025, in Washington, DC.

/s/ Nathan A. Mendelsohn
Nathan A. Mendelsohn

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