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

PLAINTIFFS' MOTION FOR SPOLIATION SANCTIONS

NOTE ON MOTION CALENDAR: February 20, 2026

PUBLIC REDACTED VERSION

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INTRODUCTION

Plaintiffs file this motion to address Amazon's failure to retain relevant business records. Amazon has maintained a years-long practice of deliberately deleting unedited "raw" notes from business meetings, even after Amazon's document preservation obligations went into effect at the outset of Plaintiffs' pre-Complaint investigation. This practice has deprived Plaintiffs and the Court of the most candid record of Amazon employees discussing conduct squarely at issue in this case. These raw notes would have been far more reliable and probative than the replacement documents Amazon chose to preserve and produce: carefully written "key takeaways" generated after meetings, often sanitized by Amazon's in-house counsel[1] and intentionally omitting records of how or why decisions were made, or by whom. Separately, but no less concerning, candid conversations between top Amazon executives have been lost due to their extensive and calculated use of ephemeral messaging.

Plaintiffs are prejudiced by the loss of these materials and seek appropriate relief, including an adverse inference against Amazon. In the alternative, the Court should grant Plaintiffs leave to conduct additional discovery into the extent of Amazon's spoliation, with Amazon bearing the costs.

BACKGROUND

I. AMAZON HAD A DUTY TO PRESERVE EVIDENCE AS OF JUNE 17, 2019

Amazon was on notice of its duty to "preserve all documents . . . and cease all document destruction" of records potentially relevant to this case no later than June 17, 2019, when the FTC notified Amazon that it was investigating Amazon's online retail business, and that "[t]he

[1] Amazon's related effort to manipulate evidence that could be used against the company in antitrust litigation is addressed in a separate motion. *See* Plaintiffs' Motion to Compel The Production of Documents Concerning Amazon's Manipulation of Evidence, filed separately ("Manipulation Mot.").

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destruction of documents" could violate criminal law. Ex. 1 at 1-2.[2] [redacted]

[redacted][3]

Each DPN recipient's compliance with document retention obligations is significant in part because Amazon's automated retention system "preserves only a custodian's email, Slack, and Chime records," while other materials, "including Word documents, presentations, notes, spreadsheets, PDFs, etc., [are] not automatically preserved." *Greenberg v. Amazon.com, Inc.*, 2025 WL 2639221, at *3 (W.D. Wash. Sept. 12, 2025);[4] [redacted]

[2] Citations in the form Ex.__ refer to the exhibits to the Declaration of Amanda L. Butler, Dkt. #599.

[3] Amazon has issued at least [redacted] of DPNs and has represented that [redacted] employees are currently subject to a DPN for this case. Ex. 2 ([redacted]) at 26:1-26:11, 27:2-16. However, several employees who should have received DPNs, including [redacted], discussed further below, did not. *See* Ex. 9 (identifying all DPN recipients).

[4] *See also* Stangler Decl. at ¶ 3, *Greenberg v. Amazon.com, Inc.*, 2:21-cv-00898-RSL (W.D. Wash, May 7, 2025), Dkt. #142 (automated protections of litigation hold limited to email, Slack, and Chime).

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II. AMAZON EMPLOYEES DELETED RAW NOTES AND OTHER DOCUMENTS AT THE DIRECTION OF AMAZON'S IN-HOUSE COUNSEL OR WITHOUT OBJECTIONS FROM COUNSEL

Despite Amazon's obligation to preserve documents relevant to Plaintiffs' investigation and subsequent Complaint, Amazon adopted guidelines that "raw notes" memorializing relevant business meetings should be deleted or shredded. Following these guidelines, Amazon employees—at times, directed by in-house counsel or in the presence of counsel, without any objections—deleted "raw notes" of relevant meetings and other materials.

[redacted]."

[redacted]

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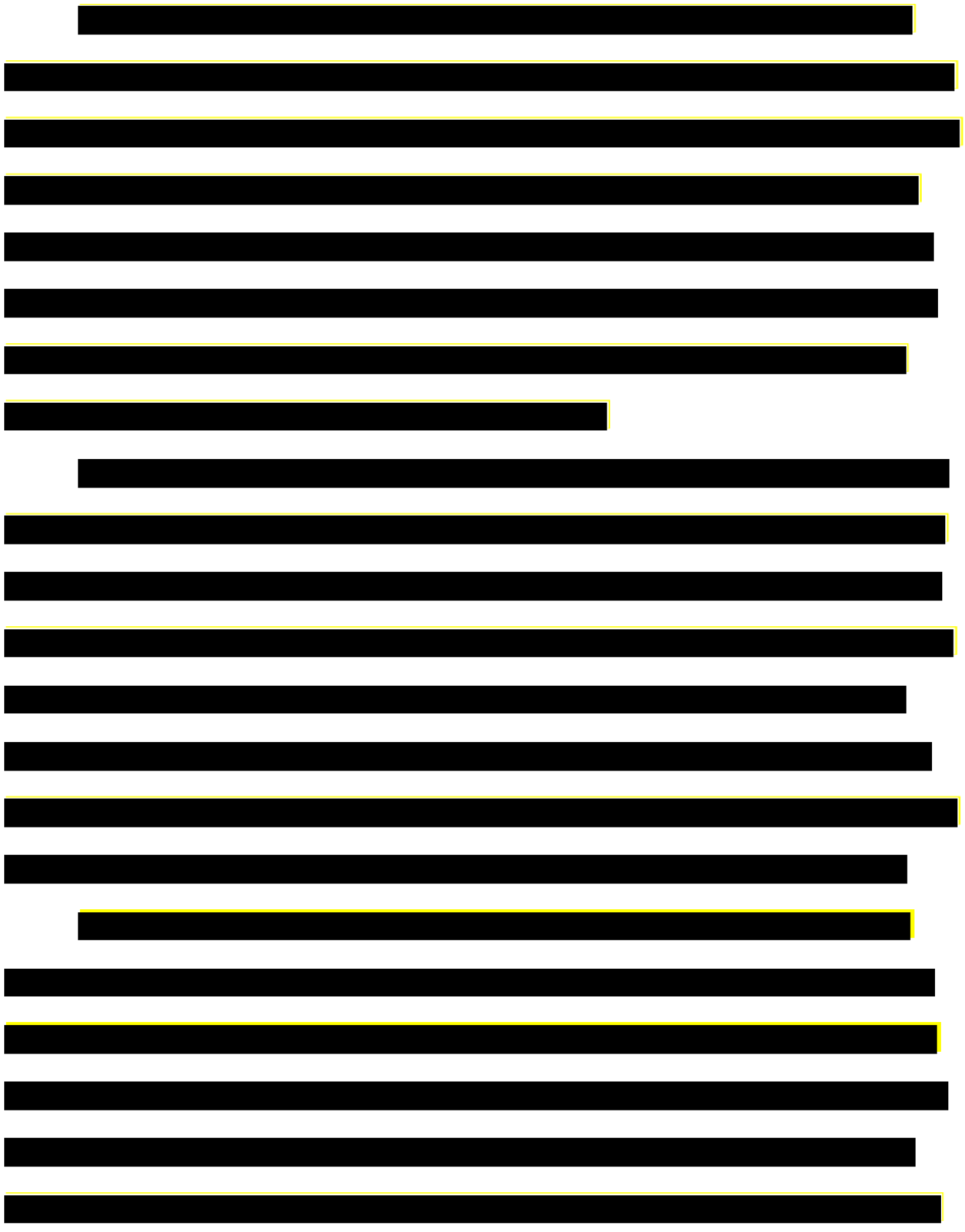

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[redacted]

Plaintiffs have identified multiple instances where Amazon's campaign to delete documents that could be used against it in antitrust litigation appears to have been effective. For instance, Amazon has been unable to identify raw notes for several meetings relevant to Plaintiffs' claims. Ex. 23 at 6-7. This includes notes of the July 2021 ASB business review and November 2021 ASB leadership team meetings referenced above and an April 2021 meeting with Amazon's outgoing and incoming CEOs concerning grocery strategy. *Id.* In each instance, raw notes would be the best evidence of decisions made at Amazon and the unfiltered views of senior Amazon executives.

III. SENIOR AMAZON EXECUTIVES SELECTIVELY DELETED SIGNAL MESSAGES

Senior Amazon executives violated Amazon's document preservation obligations by using ephemeral messaging, largely over Signal, to irrevocably destroy records of their communications. They did so after Amazon was aware of the FTC's investigation and, in some cases, after the individual executives received DPNs. This use of ephemeral messaging dovetails with the purpose behind Amazon's policies and practices regarding raw notes: it allowed

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Amazon executives to communicate electronically without a verbatim record that Amazon might have to produce to an enforcer or in litigation.

As Plaintiffs have previously raised with the Court, senior Amazon executives, including then-CEO Jeff Bezos and General Counsel David Zapolsky, began using Signal's "disappearing message" feature in April 2019 and continued using it well after Amazon was aware of Plaintiffs' pre-Complaint investigation and Amazon's duty to preserve documents. *See, e.g.*, Ex. 24 at 3; Ex. 1 at 1-2.[5] Because Mr. Zapolsky heads Amazon's legal department, Amazon knew or should have known of this use of Signal in April 2019. *See* Ex. 24 at 3. Amazon, however, in a May 20, 2022 letter from its counsel, contends that the company did not learn about its executives' use of Signal disappearing messages until the summer of 2020. Ex. 25 at 3 & n.4 ("While conducting custodian-facing diligence in Summer 2020, Amazon learned that some custodians had used Signal.").

[redacted]

[5] A Signal user must manually engage Signal's disappearing message feature, which permanently deletes the messages from *all* participants' phones—sender's and recipients'—after a pre-determined time elapses. The only record of the conversation is the time at which disappearing messages were toggled on or off. *See* Ex. 26, https://support.signal.org/hc/en-us/articles/360007320771-Set-and-manage-disappearing-messages. WhatsApp has a similar feature. *See* Ex. 27, https://faq.whatsapp.com/673193694148537/?helpref=uf_share.

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[redacted]

An untold number of messages were deleted in the three and a half years between April 2019, when Amazon knew or should have known that its executives were using ephemeral messaging, and at least [redacted]

While the contents of the deleted messages cannot be established, messages that Amazon has produced show that executives used mobile messaging applications for relevant, substantive communications. [redacted]

[redacted]

[redacted]

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[redacted]

communications that were serendipitously preserved only because Amazon's counsel collected Mr. Bezos's phone within a week of those messages being sent. *See* Ex. 42 at 15. Furthermore, the rare surviving Signal messages produced in litigation include messages on substantive antitrust topics, showing that Amazon executives used Signal to discuss issues relevant to this case. *See, e.g.,* Ex. 43 (sending Mr. Jassy news coverage of antitrust enforcement), [redacted]

LEGAL STANDARD

Rule 37(e) authorizes the Court to sanction a party for spoliation when (1) the party's electronically stored information "should have been preserved in the anticipation or conduct of litigation," (2) the ESI is "lost because a party failed to take reasonable steps to preserve it," and (3) the ESI "cannot be restored or replaced through additional discovery." Fed. R. Civ. P. 37(e). "[U]pon finding prejudice to another party from loss of the information," the Court may order measures designed to cure the prejudice, Rule 37(e)(1), but "upon finding that the party acted with the intent to deprive another party of the information's use in the litigation," the Court may

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impose further sanctions, including adopting a "presum[ption] that the lost information was unfavorable to the party." Rule 37(e)(2).

The burden is on the moving party to prove spoliation by a preponderance of the evidence. *Rehn v. City of Seattle*, 2025 WL 1207668, at *2-*3 (W.D. Wash. Apr. 25, 2025). If spoliation is proven, the burden shifts to the spoliating party to prove the loss of information is not prejudicial. *Id* at *3 (*citing Youngevity Int'l v. Smith*, 2020 WL 7048687, at *3 (S.D. Cal. July 28, 2020)). "In the Ninth Circuit, spoliation of evidence raises a presumption that the destroyed evidence goes to the merits of the case, and further, that such evidence was adverse to the party that destroyed it." *Id.* at *1 (*citing Dong Ah Tire & Rubber Co. v. Glasforms, Inc.*, 2009 WL 1949124, at *10 (N.D. Cal. July 2, 2009)).

Here, the evidence establishes Amazon's intentional spoliation of relevant evidence and that the appropriate remedy is an adverse inference and other measures to ensure that Amazon does not reap a benefit from its improper destruction of evidence.

ARGUMENT

I. AMAZON SPOLIATED EVIDENCE

A. Amazon Had an Ongoing Duty to Preserve All Potentially Relevant Documents and Communications

Amazon's documents and communications "should have been preserved in the anticipation or conduct of litigation," Fed. R. Civ. P. 37(e), at least as of June 17, 2019, when the FTC informed Amazon of its investigation and advised Amazon to "take the necessary measures to preserve all documents and cease all document destruction activities[.]" *See* Ex. 1 at 1; *see also FTC v. Noland*, 2021 WL 3857413, at *9 (D. Ariz. Aug. 30, 2021) (preservation obligations arose on receipt of notice from FTC); *Gerlich v. U.S. Dep't of Just.*, 711 F.3d 161, 171 (D.C. Cir. 2013) (duty to preserve triggered by government investigation).

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Amazon's preservation obligations extended to all "potentially relevant" evidence. *Leon v. IDX Systems Corp.*, 464 F.3d 951, 1001 (9th Cir. 2006) (citation omitted). Amazon has effectively conceded the relevance of meetings with missing raw notes by producing documents associated with the same meetings, such as pre-reads and sanitized notes. And Amazon executives clearly used Signal to discuss some matters relevant to this case, as discussed above. *See supra* at 8-9.[9] It is impossible to know what exactly Amazon executives discussed using ephemeral messaging, but it strains credulity to think that even though Amazon's senior leadership used Signal to discuss work-related matters for over three years, they never used ephemeral messaging to discuss matters relevant to this case. Further, when the relevance of deleted documents "cannot be clearly ascertained because the documents no longer exist, a party can hardly assert any presumption of irrelevance as to the destroyed documents." *Leon*, 464 F.3d at 959 (internal quotation marks omitted).

An instance in which raw notes were *not* deleted shows that they contain relevant information. [redacted]

[9] Amazon's claim that Signal was only used for "sensitive topics like public relations or human resources," plus "non-substantive purposes (such as scheduling, travel, or to prompt someone to check their email)" and "a narrow range of issues clearly unrelated to the [investigation] (e.g., security or issues in foreign countries)," *see* Dkt. #223 at 3-4, is undermined by its admissions that Signal was also used for substantive conversations such as the acquisitions of MGM and [redacted], and by records showing that executives used Signal to discuss antitrust issues and other matters related to this case. [redacted]

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[redacted]

B. Amazon Spoliated Evidence by Not Taking Reasonable Steps to Preserve Documents and Communications

The evidence at issue here was "lost because [Amazon] failed to take reasonable steps to preserve it." Fed. R. Civ. P. 37(e). Amazon and its counsel were obliged "to oversee compliance with the litigation hold notices" and "monitor…efforts to retain the documents subject to the hold." *Charlestown Cap. Advisors, LLC v. Acero Junction, Inc.*, 337 F.R.D. 47, 62 (S.D.N.Y. 2020); *see also Zubulake v. UBS Warburg LLC*, 229 F.R.D. 422, 432 (S.D.N.Y. 2004).[10] Instead, counsel *instructed* or acquiesced in the deletion of raw notes and other documents, with deletion continuing for years after Plaintiffs' pre-Complaint investigation began. *See supra* at 3-6. [redacted], and aligns with the use of ephemeral messaging by Amazon's top executives, including its CEOs and general counsel. [redacted] Spoliation by Amazon's executives is imputed to the company. *See Colonies Partners L.P. v.*

[10] Amazon's failure to preserve documents and communications is inexcusable given its "sophistication with regard to litigation" and its substantial financial and legal resources. *See* Fed. R. Civ. P. 37 advisory committees note (2015).

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City of San Bernardino, 2020 WL 1496444, at *7, *10 (C.D. Cal. Feb. 27, 2020), *adopted*, 2020 WL 1491339 (C.D. Cal. Mar. 27, 2020).

Amazon also acted unreasonably in not taking basic, timely steps to preserve mobile messages, including by not adequately distributing instructions to not use ephemeral messaging and not ensuring that Signal users disabled its disappearing messages function. As a result, executives continued using disappearing messages to selectively delete messages they did not want preserved. *See supra* at 6-9; *see also United States v. Google LLC*, 747 F. Supp. 3d 1, 187 (D.D.C. 2024) ("Any company that puts the onus on its employees to identify and preserve relevant evidence does so at its own peril."). "'[U]se of ephemeral messaging for relevant communications after a duty to preserve has arisen may be particularly problematic, as it would have the potential to deprive adversaries and the court of relevant evidence.'" *Noland*, 2021 WL 3857413, at *7 (quoting The Sedona Conference, *The Sedona Conference Primer on Social Media, Second Edition*, 20 SEDONA CONF. J. 1, 90-91 (2019)).

C. Amazon's Deleted Documents and Communications Cannot Be Restored or Replaced

The materials at issue here "cannot be restored or replaced through additional discovery." Fed. R. Civ. P. 37(e). The destroyed documents and messages cannot be recovered, and there is no replacement for the spontaneous and candid conversations embodied in raw notes and ephemeral messages. *See Paisley Park Enters., Inc. v. Boxill*, 330 F.R.D. 226, 234 (D. Minn. 2019) (noting the "potential and reality of finding the modern-day litigation equivalent of a 'smoking gun' in text messages."). Amazon has not been able to identify recovered versions of raw notes that have been deleted, *see* Ex. 23 at 6-7, and Signal disappearing messages are permanently erased. *See* Ex. 52 [redacted]) at 46:18-47:2. The lost information cannot be replaced by other internal documents, which are the product of a careful corporate strategy to manipulate

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the factual record for litigation, *see* Manipulation Mot., or by testimony about the deleted materials—particularly testimony not anchored by documents. *See, e.g.*, Ex. 53 ([redacted]) at 246:23-257:7; *see In re Napster, Inc. Copyright Litig.*, 462 F. Supp. 2d 1060, 1076 (N.D. Cal. 2006) ("[P]laintiffs would certainly be better off with documentary evidence than with witnesses' personal recollections of events and communications that occurred years ago.").

Plaintiffs asked Amazon to identify raw notes for meetings subject to instructions or guidance to delete or destroy raw notes or "verbatim commentary." *See* Ex. 23 at 4-5. Amazon generally failed to do so, but did identify three instances in which "notes of this meeting have not been identified," conceding that at least some documents were destroyed and irretrievably lost from among the fourteen meetings it identified. *See id.* at 7-8.[11] Amazon's interrogatory response wholly fails to address the breadth of its directives concerning raw notes, [redacted]. *See supra* at 4-6. However, given the breadth and consistency of Amazon's instructions to delete documents, along with the involvement of counsel and senior executives, it is likely that the documents Plaintiffs have been able to identify through the remaining record are only a sample from a much broader set of lost evidence.

[11] Plaintiffs asked Amazon to identify raw notes for (a) all monthly, quarterly, and annual meetings from four distinct business divisions and (b) any other division where employees were instructed or encouraged to delete notes. *See* Ex. 54 at 1-2. In response, Amazon identified only 14 particular meetings. Similarly, in response to an interrogatory asking Amazon to describe "the actions taken . . . to preserve and recover" any documents that have been "destroyed, deleted, [or] lost," Amazon claimed it had "not presently identified any non-duplicative information." Ex. 23 at 8-9. Amazon did not address whether any documents had been destroyed, and there is no way Amazon can know what information was contained in responsive documents that it destroyed, deleted, or otherwise failed to preserve. *See* Ex. 54 at 2-3.

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II. THE COURT SHOULD IMPOSE SANCTIONS FOR SPOLIATION

Amazon's egregious and intentional spoliation of evidence warrants an adverse inference.[12] In another case, this Court recently admonished Amazon and its counsel that "their conduct during discovery was tantamount to bad faith," and that "[s]imilar conduct may lead to more serious sanctions." *FTC v. Amazon.com, Inc.*, 2025 WL 1907413, at *4 (W.D. Wash. July 10, 2025). Like the overbroad privilege claims at issue in that case, spoliation is "gamesmanship [that] defies the Federal Rules of Civil Procedure, which require the parties to 'to put all their "cards" on the table before trial.'" *Id.* Amazon's destruction of potential evidence that it would otherwise have to "[redacted]," [redacted], has created deliberate gaps in the evidentiary record. With those gaps beyond repair, the Court should not allow Amazon to benefit from its document destruction and gain a strategic advantage in this litigation.

A. Plaintiffs are Prejudiced by Amazon's Destruction of Evidence (Fed. R. Civ. P. 37(e)(1))

"Prejudice exists when spoliation prohibits a party from presenting evidence that is relevant to its underlying case." *Fast v. GoDaddy.com LLC*, 340 F.R.D. 326, 339 (D. Ariz. 2022); *see also CBF Industria De Gusa S/A v. AMCI Holdings, Inc.*, 2021 WL 4190628, at *17 (S.D.N.Y. Aug. 18, 2021) ("[C]urative sanctions, . . . [available] if the existing evidence plausibly 'suggests' that the spoliated ESI could support the moving party's case.") (citation omitted).

[12] Plaintiffs' motion is timely. *See Muhammad v. Jenkins*, 2022 WL 4292341, at *7 (C.D. Cal. Aug. 26, 2022), *report and recommendation adopted*, 2022 WL 4292308 (C.D. Cal. Sept. 15, 2022) (holding that "because spoliation is a discovery-related issue, motions for spoliation sanctions typically must be brought during the discovery period").

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Amazon's destruction of evidence has prejudiced Plaintiffs. Amazon cannot rebut the presumption that the destroyed evidence was relevant and adverse to Amazon. *See Rehn*, 2025 WL 1207668, at *3–4. As detailed in a separate motion, Amazon has extensive communications policies intended to avoid creating evidence that could be used against Amazon in an antitrust enforcement action. *See* Manipulation Mot.; [redacted] The documents Amazon preserved were subject to an intense effort to create a sanitized record for government enforcers and this Court. Raw notes and real-time ephemeral messages, on the other hand, are unfiltered—and have been destroyed.

In particular, the raw notes Amazon has deleted are often the only source of key information about what was said and who made decisions in meetings. [redacted] But it is impossible to know exactly what—and how much—is missing from the record.

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Amazon is unwilling or unable to catalog instances where raw notes were prepared and subsequently deleted, leaving the full scope of its spoliation unclear. *See* Ex. 23 at 4-9; Ex. 54 at 1-3.

Amazon's willful destruction of documents has deprived Plaintiffs of important, relevant information and threatens to distort the resolution of the case, as Plaintiffs are unable to review or present the deleted materials. *See Paisley Park*, 330 F.R.D. at 236 (finding prejudice where "Plaintiffs are left with an incomplete record of the communications that Defendants had"); *see also Baker v. O'Reilly*, 2025 WL 1635253, at *7 (W.D. Wash. June 9, 2025) ("find[ing] sanctions proper under Rule 37(e)(1), given the evidence of a breach of the duty and prejudice").

B. Amazon Intended to Deprive Plaintiffs of the Deleted Documents (Fed. R. Civ. P. 37(e)(2))

Intent under Rule 37(e) "is most naturally understood as involving the willful destruction of evidence with the purpose of avoiding its discovery by an adverse party." *Jones v. Riot Hosp. Grp. LLC*, 95 F.4th 730, 735 (9th Cir. 2024). "Because intent can rarely be shown directly, a district court may consider circumstantial evidence in determining whether a party acted with the intent required for Rule 37(e)(2) sanctions." *Id.*

1. Amazon executives deleted documents after receiving preservation notices

Spoliation after receipt of a document preservation notice supports a finding that the spoliation was intentional. *See, e.g.*, *Armstrong v. Holmes*, 2024 WL 1345214, at *4 (D. Nev. Mar. 29, 2024); *Lee v. City of Los Angeles*, 2025 WL 2505484, at *11, *17 (C.D. Cal. Aug. 29, 2025), *reconsideration denied*, 2025 WL 3211209 (C.D. Cal. Oct. 14, 2025). [redacted]

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[redacted] *See supra* at 3–6. Further, senior Amazon executives deleted Signal messages by manually enabling disappearing messages [redacted] *See, e.g.*, Ex. 24 at 3-35 (listing instances between April 2019 and May 2022 when certain custodians used disappearing messages).

2. Amazon Took Affirmative Steps to Delete Documents

Another relevant consideration in assessing intent is whether the spoliator took "affirmative steps… to delete evidence." *Jones*, 95 F.4th at 735. Amazon employees took "affirmative steps" when they deleted raw notes, or instructed others to do so. Amazon executives likewise took "affirmative steps" when they enabled disappearing messages in Signal. *See* Ex. 52 ([redacted]) at 46:4–46:8 (explaining actions required to use disappearing messages). Enabling that feature caused messages to be deleted, on a timeframe specified by the user. *Id.* at 42:13-17. In some instances, Amazon executives set the deletion timer to as short as ten seconds or one minute, resulting in almost immediate deletion. *See, e.g.*, Ex. 24 at 6, 7.

"[S]elective preservation" of evidence is also indicative of intent. *Jones*, 95 F.4th at 735. Here, Amazon employees engaged in selective preservation by keeping sanitized summaries of meetings while deleting more candid raw notes. Even more telling, key senior executives did not enable disappearing messages for *all* Signal exchanges. Instead, they enabled that feature for particular parts of individual conversations, toggling the function on and off to delete specific exchanges that they did not want preserved. For example, a Signal conversation between Mr.

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Bezos and Mr. Jassy between October 7, 2019 and March 9, 2022 involved 15 different instances of either Mr. Bezos or Mr. Jassy enabling or disabling disappearing messages or changing the deletion timer. *See* Ex. 24 at 8. This conscious targeting of particular evidence for destruction supports a finding of intentional spoliation. *See Jones*, 95 F.4th at 736 (finding intentional spoliation where a party "affirmatively selected certain text messages for deletion while otherwise preserving text messages sent around the same time"); *Armstrong*, 2024 WL 1345214, at *4 (party's conduct was "indicative of intent" where she kept certain messages but deleted others); *Lee*, 2025 WL 2505484, at *14 (defendants' "selective preservation [of text messages] is telling and pushes [their] conduct outside the realm of a negligence finding and into an inference of intent to deprive").

C. The Court Should Apply an Adverse Inference and Bar Amazon From Introducing Certain Evidence

To remedy Amazon's intentional destruction of evidence, the Court should enter an order that "(1) deter[s] [Amazon] from engaging in spoliation; (2) place[s] the risk of an erroneous judgment on [Amazon,] who wrongfully created the risk; and (3) restore[s] [Plaintiffs] to the same position [they] would have been absent the wrongful destruction of evidence by the opposing party." *Apple Inc. v. Samsung Elecs. Co.*, 881 F. Supp. 2d 1132, 1136 (N.D. Cal. 2012) (citations omitted). An appropriate remedy may include adopting an adverse inference, as well as "exclud[ing] witness testimony proffered by the party responsible for destroying the evidence and based on the destroyed evidence." *See In re Napster*, 462 F. Supp. 2d at 1066; *see also Stedeford v. Wal-Mart Stores, Inc.*, 2016 WL 3462132, at *13 (D. Nev. June 24, 2016) (precluding defendant from introducing contradictory evidence, testimony, or argument regarding the subject matter of the spoliated evidence).

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To ensure that Amazon does not benefit from its spoliation of evidence, the Court should (1) adopt an adverse inference that spoliated evidence was unfavorable to Amazon on all issues disputed at trial, including market definition, monopoly power, the anticompetitive nature of Amazon's conduct, and the harm from Amazon's conduct, and (2) bar Amazon from introducing or relying on, in support of pro-competitive justifications or as rebuttal evidence, evidence regarding meetings or in the sanitized or summarized notes of those meetings where Amazon has been unable to produce and identify "raw notes" for the meeting.

If the Court finds it premature to sanction Amazon at this time, it should (1) grant Plaintiffs leave to conduct additional discovery into the extent of Amazon's spoliation, with leave to renew this issue after that discovery, and (2) order Amazon to pay the costs Plaintiffs bear in connection with the additional discovery. *See Greenberg,* 2025 WL 2639221, at *4 (ordering discovery into spoliation); *Knickerbocker v. Corinthian Colleges*, 298 F.R.D. 670, 682 (W.D. Wash. 2014) (awarding "sanctions in the form of attorney's fees" on account of "bad faith discovery practices"); *see also FTC v. Amazon*, 2025 WL 1907413, at *4 (admonishing Amazon regarding the possibility of "more serious sanctions"); *FTC. v. Amazon*, No. 2:23-cv-00932-JHC (W.D. Wash. June 23, 2025), Dkt. #371 (granting Plaintiff's request for discovery costs and attorney fees due to Amazon's abuse of privilege).

CONCLUSION

For the reasons discussed above, the Court should grant Plaintiffs' motion for sanctions.

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Respectfully submitted,

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I certify that this memorandum contains 6,273 words, in compliance with the Court's order in Dkt. #592.

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I HEREBY CERTIFY that on January 30, 2026, I electronically filed a true and correct copy of the foregoing document using the United States District Court for the Western District of Washington's CM/ECF System.

I FURTHER CERTIFY that I served the foregoing document on the following counsel via secure FTP service:

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