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 LAPSE OF APPROPRIATIONS

NOTE ON MOTION CALENDAR:
February 2, 2026

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

1. At the end of the day on January 30, 2026, the continuing resolution that had been funding the FTC expired, and appropriations to the FTC lapsed. Although the Speaker of the United States House of Representatives predicted yesterday that funding will be restored "at least by Tuesday," February 3, 2026,[1] the FTC currently lacks appropriated funds to continue operating, and does not know when funding will be restored.

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, including in a previous lapse of appropriations affecting this case. Dkt #548 (granting stay).

3. The FTC therefore requests that this Court stay proceedings in this case until Congress has restored appropriations to the FTC, with a limited exception for depositions that are currently scheduled and coordinated between this case and Coordinated Actions under the Deposition Coordination Protocol and Order, Dkt. #337. Although fact discovery in this case closed on January 30, 2026, Dkt. #577, the parties have agreed to conduct certain depositions after January 30 in order to accommodate witness schedules.[2] Allowing these depositions to

[1] Timothy Gardner, *US House Speaker Johnson says he has votes to end partial shutdown by Tuesday*, Reuters, Feb. 1, 2026, https://www.reuters.com/world/us/house-speaker-johnson-says-confident-he-has-votes-end-partial-shutdown-by-least-2026-02-01/.

[2] The parties have also agreed to conduct two out of time party depositions that have not yet been scheduled.

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proceed as scheduled would promote efficiency across Coordinated Actions, protect property, and facilitate the orderly completion of fact discovery in this case.

4. If this motion for a stay is granted, the FTC will notify Amazon, the Plaintiff States, the Court, and plaintiffs in Coordinated Actions 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 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.

8. Counsel for plaintiffs in Coordinated Actions 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 not informed the FTC of a position on 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 opposes 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.

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Wash.), and *Brown v. Amazon.com, Inc.*, No. 2:22-cv-00965 (W.D. Wash.), has authorized counsel for the FTC to state that because the FTC's stay request will not impact scheduled coordinated depositions, the Private Plaintiffs do not oppose the FTC's motion.

d. Counsel for Zulily, LLC, Old Retail ABC LLC, and Old Retail Recovery LLC in *Zulily, LLC v. Amazon.com, Inc.*, No. 2:23-cv-01900 (W.D. Wash.) has not informed the FTC of a position on this motion.

e. Counsel for plaintiffs in *Mbadiwe v. Amazon.com, Inc.*, No. 1:22-cv-09542 (S.D.N.Y.) ("Mbadiwe Plaintiffs") has not informed the FTC of a position on 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 proceedings in this action, other than currently scheduled coordinated depositions, until Congress appropriates funds permitting the Federal Trade Commission to resume normal operations.

Dated: February 2, 2026

Respectfully submitted,

s/ Edward H. Takashima

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