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' OPPOSITION TO LAWYERS FOR CIVIL JUSTICE'S MOTION FOR LEAVE TO FILE AN AMICUS CURIAE BRIEF

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Plaintiffs oppose the request by Lawyers for Civil Justice ("LCJ") to file an amicus curiae brief in response to the Court's June 18, 2026 Order, for three reasons:

First, the Court should be aware that LCJ is not a disinterested party. LCJ acknowledges in its motion that Amazon is a member of LCJ. Dkt. #687 at 3. But LCJ omits that all five of the law firms representing Amazon in this case—Williams & Connolly LLP, Covington & Burling LLP, Morgan, Lewis & Bockius LLP, Wilkinson Stekloff LLP, and Redgrave LLP—are also LCJ members. *See* About LCJ, Lawyers for Civil Justice[1] ("About LCJ Website"). So is Sidley Austin LLP, which has represented Amazon in the related Private Plaintiff cases. *See id.*; Docket, *Amazon.com, Inc. v. United States District Court for W.D. Wash.*, No. 25-3099 (9th Circ.). And Redgrave LLP's founding partner, Jonathan Redgrave, is on LCJ's Board of Directors. *See* About LCJ Website.

Second, LCJ's motion does not comply with the Court's Local Rules. Local Civil Rule 7(o) requires the movant seeking leave to file an amicus brief to attach "a copy of the proposed amicus brief" to its motion. Local Rules W.D. Wash. LCR 7(o)(2). LCJ did not do so. *See* Dkt. #687. Because of this failure, the Court also does not have the disclosure concerning party involvement required by Local Civil Rule 7(o). *See* Local Rules W.D. Wash. LCR 7(o)(4) (requiring information mandated by Fed. R. App. P. 29(a)(4)(A), (D), and (E)). In addition, LCJ did not contact any Plaintiff before filing its motion, despite the requirement in the Local Rules to "state the position of each party as to the filing of . . . a brief." Local Rules W.D. Wash. LCR 7(o)(2).

Third, it is not clear that LCJ's proposed amicus brief will provide any relevant information that Amazon could not have included in its filing. "The classic role of amicus curiae

[1] https://www.lfcj.com/about#members (last visited June 30, 2026).

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has been to assist in a case of general public interest, supplementing the efforts of counsel, and drawing the court's attention to law that escaped consideration." *AFGE v. Noem*, 785 F. Supp. 3d 833, 862 (W.D. Wash. 2025) (quoting *Miller-Wohl Co., Inc. v. Comm'r of Labor & Indus., State of Montana*, 694 F.2d 203, 204 (9th Cir. 1982)) (cleaned up). While Plaintiffs have not seen LCJ's anticipated brief (because, as noted above, LCJ did not file a brief with its motion), several of LCJ's proposed topics appear to contemplate fact testimony or policy considerations rather than the law, which may not be helpful to the Court. *See* Dkt. #687 at 4. To the extent LCJ intends to address the law from the "broader institutional perspective . . . of organizations [with] in-house legal departments," *id.* at 3, it is not clear what LCJ has to offer that could not have been addressed by Amazon, which has a large in-house legal department and over 1.5 million employees worldwide. *See* Amazon.com, Inc., Annual Report (Form 10-K), at 4 (Feb. 5, 2026).[2]

Plaintiffs of course defer to the Court's view as to whether it would find LCJ's proposed amicus brief helpful. If so, Plaintiffs respectfully request that the Court rule on LCJ's motion as soon as practicable, and direct LCJ to file any amicus brief within one day of the Court's order so that it will not unnecessarily delay the Court's *in camera* review. Given that LCJ should have filed its brief with its request for leave, that order should not be burdensome for LCJ.

[2] https://www.sec.gov/ix?doc=/Archives/edgar/data/1018724/000101872426000004/amzn-20251231.htm (last visited June 30, 2026).

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Dated: June 30, 2026

Respectfully submitted,

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