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

STIPULATED MOTION AND ORDER REGARDING AMAZON'S PRIVILEGE RE-REVIEW

NOTE ON MOTION CALENDAR: August 11, 2026

Pursuant to the Court's July 7, 2026 Order, Dkt. #695, the parties have met and conferred regarding Amazon's privilege re-review. With the exception of Paragraph 3, on which Amazon does not take a position, the Parties have agreed to the following, subject to the Court's approval:

1. Amazon shall re-review privilege claims identified by Plaintiffs, up to a cap of 10% of all of the entries on its privilege logs.[1]

[1] At this time, the files 2026.03.09 FTC – Amazon Consolidated Privilege Log and 2026.08.06_Amended FTC Retail 8th Set RFPs_Privilege Log contain all of the privilege claims Amazon is asserting or maintaining in this case, including over documents on privilege logs in Related Cases that Amazon has reproduced in response to Plaintiffs' discovery requests. Those privilege logs have a combined total of 68,301 entries. The 10% cap above would therefore mean a re-review of up to 6,830 privilege log entries.

a. Plaintiffs shall identify privilege log entries for Amazon's re-review on a rolling basis. Plaintiffs shall complete their identification of privilege log entries no later than 14 days after entry of the Court's Order regarding Amazon's privilege re-review.

b. Plaintiffs may provide Amazon with search terms to run against the documents underlying its privilege logs, on a rolling basis.

i. Within three days after receiving a set of search terms from Plaintiffs, Amazon shall provide a list of the privilege log entries associated with documents that hit on one or more of those terms. Amazon shall provide search term hit results separately for each search string provided by Plaintiffs by providing a list of the privilege log entries with documents that hit on each search string. If Plaintiffs provide a list of search terms that exceeds thirty search strings, Amazon will provide its list within four days.

ii. Plaintiffs may identify some or all of the documents that search terms hit on for Amazon's re-review, subject to the 10% cap above.

iii. Amazon shall produce downgraded or redacted documents on a rolling basis.

2. Amazon shall complete its re-review no later than 30 days after Plaintiffs complete their identification of privilege log entries. By that date, Amazon shall produce (a) all downgraded or redacted documents, (b) an updated or revised, consolidated privilege log for all privilege claims Amazon is asserting or maintaining in this case, including documents that have gone through this re-review.

3. Plaintiffs may identify up to 20 re-reviewed documents that Amazon has continued to withhold in whole or in part for the Court's *in camera* review and validation of Amazon's re-review. If the Court decides to conduct an *in camera* review, the Parties agree to the following conditions:

   a. Unless specifically directed by the Court, the Court's review shall be based solely on the documents and Amazon's updated consolidated privilege log entries.

   b. For each document Plaintiffs identify, Plaintiffs shall include the information required by Part III(3) of the Court's April 29, 2026 Order. Dkt. #678 at 35-36.

   c. Within three days of Plaintiffs' identification of documents, Amazon shall submit the identified documents for *in camera* review, in unredacted form. Amazon may also respond to any arguments made by Plaintiffs in their submission.

4. Following Amazon's re-review of the privilege log entries identified by Plaintiffs pursuant to Paragraph 1 herein, Plaintiffs will not seek any further re-reviews of the remaining documents on Amazon's privilege logs for the duration of the litigation.

The Parties, by and through their respective attorneys of record, hereby request that the Court order Paragraphs 1, 2, and 4 above. Plaintiffs separately request that the Court enter Paragraph 3. Amazon takes no position as to Paragraph 3 above.

Stipulated to and respectfully submitted this 11th day of August, 2026, by

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ORDER

IT IS SO ORDERED.

DATED this 11th day of August, 2026.

JOHN H. CHUN
UNITED STATES DISTRICT JUDGE