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

JOINT STATUS REPORT REGARDING ECONOMICS DAY

Pursuant to the Parties' August 26, 2026 and October 2, 2026 Joint Status Reports, the Parties have met and conferred regarding the Economics Day hearing scheduled for December 4, 2026. The Parties have reached agreement on the majority of the issues discussed and jointly propose the agreed-upon terms in Section I below. The Parties have not reached agreement and submit competing proposals on how the day should be structured, as set forth in Section II below.

I. AGREED-UPON TERMS

The Parties agree that the following terms should be included in an Order regarding the December 4, 2026 Economics Day hearing:

On December 4, 2026, the Court will hold an Economics Day hearing in which certain of the Parties' experts will provide the Court with a presentation on certain economics issues

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relevant to this case, without attorney advocacy. The following ground rules are established to allow the Parties' experts to present on relevant economics issues in a non-adversarial manner:

1. The Parties' experts will present in a lecture format and respond to questions from the Court during the presentations. The experts may use slides during their presentations to help guide their presentations. Attorneys may help focus the experts' presentations through a limited direct examination. No cross-examination or legal argument by either side's lawyers will be permitted, and the Parties' experts will not be permitted to question each other.

2. The Parties' presentations will address the issues of relevant antitrust markets, monopoly power, and the economic analysis of the Amazon policies and practices at issue in this case and their impact on competition. The Parties will first present their respective experts on relevant antitrust markets and monopoly power, followed by their respective experts on the economic analysis of the Amazon policies and practices at issue in this case and their impact on competition. Given the Court's time constraints and to focus the Parties' presentations, the Parties will not present on issues related to Project Nessie.

3. The Economics Day hearing is intended to be "risk free" for both sides, and the information presented, including all oral presentations and presentation materials, is intended for the Court's benefit to gain informal knowledge on relevant economics issues. Nothing stated or presented at the hearing, including written presentation materials, shall be cited, considered, or used in this litigation, admitted into evidence, or used in connection with any fact or expert witness examination (including cross-examination and impeachment) at trial.

4. The Parties will disclose to each other which experts they intend to have present at the Economics Day hearing no later than October 23, 2026.

5. The Parties shall provide the Court and opposing counsel with copies of their presentation materials no later than December 1, 2026.

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6. The Parties' presenting experts, and at least one attorney for each side, will appear in person for Economics Day. The Parties respectfully request that the Court allow a telephonic attendance option for non-speaking Party attorneys who are not able to attend Economics Day in person.

7. The Parties shall structure expert presentations and presentation materials so that the Economics Day hearing will not be sealed or otherwise closed to the public. The parties anticipate that some presentation materials will not be able to be shown publicly because they contain material that has been designated as Protected Material under the Protective Order, Dkt. #160.

8. The Parties and any relevant non-parties will meet and confer to address any potential confidentiality issues related to the expert presentations.

9. As with the prior Economics Day hearing, the Parties do not object to plaintiffs in the *De Coster* and *Frame Wilson* actions attending the upcoming Economics Day hearing. The Parties understand that the *De Coster* and *Frame Wilson* plaintiffs are not seeking to participate in the Economics Day hearing.

II. DISPUTED TERM

The Parties have competing proposals regarding the structure of the Economics Day hearing for the Court's consideration.

A. PLAINTIFFS' PROPOSAL

Plaintiffs propose that each side be allotted up to three hours of presentation time, to be divided between a morning session on market definition and monopoly power, and an afternoon session on Amazon's challenged conduct and its competitive impact. For each session, Plaintiffs may reserve rebuttal time to address Amazon's presentation or the Court's questions following Amazon's presentation. Plaintiffs believe this flexible structure best supports the Court's request

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to hear from the parties' experts to become "as educated as possible regarding the economic theories in this case." June 6, 2024, Hr'g Tr. 4:14-24.

B. AMAZON'S PROPOSAL

Amazon proposes that, in the morning session, Plaintiffs will first have 75 minutes to present on relevant market and monopoly power issues and Amazon will thereafter have 75 minutes to present on relevant market and monopoly power issues. The Court would then take a lunch break. In the afternoon session, Plaintiffs will first have 75 minutes to present on Amazon's conduct and its impact on competition, after which Amazon will have 75 minutes to present on Amazon's conduct and its impact on competition. Amazon's position is that no "rebuttal" is necessary, and expects that the Parties can address the Court's questions during their respective presentations. This approach will help ensure that the presentations are a non-adversarial "tutorial." *See* Dec. 4, 2024 Hr'g Tr. 4:23-5:4. It will avoid multiple changes in witnesses and presentation slides, and will help keep the presentations on the schedule set forth below. The schedule for the day would be as follows:

9:30am – 10:45am:	Plaintiffs' presentation on market / monopoly power
10:45am – 11:00am:	Short break
11:00am – 12:15pm:	Amazon's presentation on market / monopoly power
12:15pm – 1:45pm:	Lunch break
1:450pm – 3:00pm:	Plaintiffs' presentation on conduct / competitive effects
3:00pm – 3:15pm:	Short break
3:15pm – 4:30pm:	Amazon's presentation on conduct / competitive effects

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Respectfully submitted this 9th day of October, 2026, by

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