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

DECLARATION OF MARK SUTER IN SUPPORT OF PLAINTIFFS' MOTION TO EXCLUDE DEFENDANT'S REBUTTAL EXPERT LAURA WEIL

I, Mark Suter, declare as follows:

1. I am an Attorney in the Federal Trade Commission's ("FTC") Bureau of Competition, and I represent the FTC in the above-captioned action. I am over eighteen years of age and am competent to testify to the matters set forth in this declaration. I make the following statements based on my personal knowledge.

2. Pursuant to the Court's October 13, 2026 Order (Dkt. #715), the parties have provisionally filed under seal certain exhibits that contain material designated "Highly Confidential—Attorneys' Eyes Only" or "Confidential" under the Protective Order (Dkt. #160).

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3. Consistent with Local Rule 10(e)(10), red boxes have been added to the attachments to indicate excerpts referenced in Plaintiffs' Motion to Exclude Defendant's Rebuttal Expert Laura Weil.

4. Attached as **Exhibit 1** is a true and correct copy of the Rebuttal Expert Report of Laura Weil dated June 10, 2026.

5. Attached as **Exhibit 2** is a true and correct copy of excerpts from the deposition transcript of Laura Weil in this matter dated August 28, 2026.

6. Attached as **Exhibit 3** is a true and correct copy of the Rebuttal Expert Report of Laura Weil in the related matter of *California v. Amazon.com, Inc.*, No. CGC-22-601826 (Cal. Sup. Ct.) ("the *California* case") dated April 29, 2026.

7. Attached as **Exhibit 4** is a true and correct copy of excerpts from the deposition transcript of Laura Weil in the *California* case dated August 5, 2026.

8. Attached as **Exhibit 5** is a true and correct copy of excerpts from the Expert Report of M. Keith Chen, Ph.D. in this matter dated March 26, 2026.

9. Attached as **Exhibit 6** is a true and correct copy of excerpts from the Expert Reply Report of M. Keith Chen, Ph.D. in this matter dated August 19, 2026.

10. Attached as **Exhibit 7** is a true and correct copy of excerpts from the Expert Reply Report of David S. Evans, Ph.D. in this matter dated August 19, 2026.

11. Attached as **Exhibit 8** is a true and correct copy of excerpts from the deposition transcript of Gautam Gowrisankaran, Ph.D. in this matter dated August 28, 2026.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 16, 2026, in Philadelphia, Pennsylvania.

s/ Mark Suter
Mark Suter

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