

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 10-CIV-20718-COOKE/BANDSTRA

ALBERT SEGAL, and
MARIANNA CHAPAROVA,

Plaintiffs,

- vs. -

AMAZON.COM, INC.,

Defendant.

**PRO SE PLAINTIFFS', ALBERT SEGAL'S AND MARIANNA CHAPAROVA'S,
REPLY IN SUPPORT OF THEIR MOTION TO COMPEL PRODUCTION OF
DOCUMENTS**

Pro se Plaintiffs, Albert Segal and Marianna Chaparova ("Plaintiffs") hereby submit this Reply in Support of their Motion to Compel Production of Documents [D.E. 39], and state:

I MEMORANDUM OF LAW

Amazon's response [D.E. 41] to the Plaintiffs' Motion to Compel Production of Documents [D.E. 39] ("Motion to Compel") is replete with false statements and mischaracterizations regarding the material facts of this case. For example, according to Amazon, "Plaintiffs complain that Amazon improperly withheld, temporarily, some \$1,300 of their funds pending an investigation into Plaintiffs' illicit sales practices on the Amazon Marketplace, and that Amazon unfairly terminated Plaintiffs' access to the Amazon Marketplace after its investigation." *See* Amazon's Response ¶ 2 at 1. The fact is that Amazon withheld all of the Plaintiffs' funds that had been honestly earned during the period of time that Plaintiffs were selling merchandise on Amazon's web site (Amazon.com). Amazon had withheld for nearly four months the Plaintiffs' funds from settled transactions and those transactions for which

positive customer feedback had been received. It is a fact that Plaintiffs never engaged in any “illicit sales practices.” It is also a fact that Amazon had suspended the Plaintiffs’ account and used the Plaintiffs’ funds without ever providing any proof that Plaintiffs have at any time engaged in any “illicit” business practices. *See, e.g.*, Amazon’s email letter dated February 14, 2010, in which Amazon stated that its decision to withhold the Plaintiffs funds for four months and to suspend the Plaintiffs’ seller account is “final,” and that the Plaintiffs’ inquiries regarding the status of their seller account would go unanswered. Amazon continued to deny Plaintiffs access to their funds for additional three and a half months after it emailed Plaintiffs that letter. Amazon’s letter of February 14th is attached hereto as “Exhibit A.”

Prior to purchasing merchandise for the purpose of selling it on Amazon.com, Plaintiffs did not know, and had absolutely no reason to know, that Amazon defrauds honest sellers by using their funds as its personal interest-free revolving line of credit for three-to-four months at a time. It is a fact that Amazon had persistently contacted Plaintiffs via the email regarding an “opportunity” to generate profits beyond the Plaintiffs’ “wildest dreams,” if only Plaintiffs agreed to sell books and other various merchandise on Amazon.com. To this day, Amazon continues to market its web site and the merchandise it sells to Plaintiffs via the email despite the Plaintiffs’ numerous requests not to be contacted by Amazon’s marketing department again. Plaintiffs’ failed requests not to be contacted by Amazon’s marketing department are attached hereto as “Exhibit B.”

Amazon’s Motion to Dismiss the Plaintiffs’ Amended Complaint is without merit for the reasons stated in the Plaintiffs’ Memorandum of Law in Opposition to Amazon’s Motion to Dismiss [D.E. 29] and Plaintiffs’ subsequent filings. However, Plaintiffs would like to briefly respond to Amazon’s assertion that the Plaintiffs’ request for production of documents that

relates to “other” sellers and Florida consumers whom Amazon has defrauded in exactly the same way it has defrauded the Plaintiffs is “irrelevant” to the Plaintiffs’ causes of action, which include Fraud and/or Fraud in the Inducement; and that the Plaintiffs’ request for production of documents that relates to other Florida consumers whom Amazon has systematically harmed is “irrelevant” to the Plaintiffs’ Florida Deceptive and Unfair Trade Practices Act (FDUTPA) claim [D.E. 26]. Perhaps Amazon must be reminded that the FDUTPA was passed to “protect the consuming public and legitimate business enterprises from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce.” *See* Fla. Stat. § 501.202. In other words, the FDUTPA is intended to protect the consuming public from exactly the type of business practices in which Amazon is engaged.

Amazon correctly points out in its response to the Plaintiffs’ Motion to Compel that Plaintiffs have requested production of its “financial records” and “any and all complaints” that it has received from its seller-customers. *See* Amazon’s Response ¶ 1 at 3. However, according to Amazon, this request is “grossly overbroad,” and has “nothing to do with Plaintiffs’ claims that Amazon has withheld certain of their funds. . . .” *Id.* Amazon goes on to argue that the Plaintiffs’ requests would require it to produce documents that relate to “Amazon’s tens of millions of other customers.” *Id.*, ¶ at 7 (emphasis in the original). Perhaps there are “millions of other customers” who have been harmed by Amazon. If so, Amazon should not be allowed to conceal its fraudulent business practices, which is exactly what it is attempting to do by denying the Plaintiffs’ requests for discovery of admissible evidence based on the claims and defenses in this case.

As for Amazon's request that the Court allow it to avoid having to account for its fraudulent and otherwise dishonest business conduct by staying its responsibility to respond to the Plaintiffs' discovery requests, Plaintiffs would like to point out the following:

First, Amazon has made it perfectly clear to Plaintiffs that it will not produce any of the documents that are relevant to this case, despite the Plaintiffs' exhausted efforts to persuade Amazon to voluntarily comply with the applicable pre-trial discovery rules. *See, e.g.*, Plaintiffs' Motion to Compel. The fact that Amazon is now arguing against being required to produce financial records and other relevant documents that are in its exclusive control is mind boggling. It would take minimal effort and would not cost much, if anything, for Amazon to produce documents that it almost certainly stores electronically, and which it is required to produce.

Amazon is claiming that it is unsure about whether the Plaintiffs' Motion to Compel relates to their "First Request" or "Second Request," and that, if the Motion to Compel relates to the "Second Request," Amazon need not respond at all. And yet, Amazon has indeed responded to the Plaintiffs' "Second Request" on December 10th, by refusing to produce any of the requested documents and calling the requests "just as (or more) overbroad, unduly burdensome, and irrelevant." Amazon's letter of December 10th is attached hereto as "Exhibit C." Therefore, the Plaintiffs are within their right to ask that the Court consider the Plaintiffs' discovery requests leading up to their Motion to Compel in their totality.

Second, Amazon has specifically objected to the Plaintiffs' discovery requests on the basis of attorney-client privilege. Amazon's objections are attached hereto as "Exhibit D." Yet, Amazon is now arguing that it should not be required to produce its "privilege log" because it is unable to identify the privileged documents. Twisted logic at best, unless the Plaintiffs' lack of

legal expertise is the cause for their inability to make sense of Amazon's claim that its objections on the basis of privilege relate to documents that are impossible for it to identify.

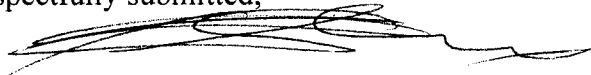
Finally, Amazon's argument that its responsibility to produce discoverable information should be stayed is also based on less than sound logic. As recently as December 22, 2010, Amazon motioned the Court to compel Plaintiffs' depositions [D.E. 40]. However, less than two weeks after the Plaintiffs' Motion to Compel was filed, Amazon responded with a request to stay discovery altogether [D.E. 41]. Amazon's deceitful tactics have prejudiced and continue to prejudice the Plaintiffs. Amazon's request to stay its pre-trial discovery obligations is purposed to deny Plaintiffs procedural fairness to which Plaintiffs are entitled under the law.

II. CONCLUSION

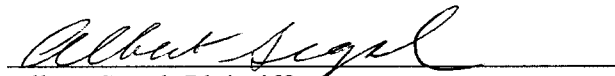
For the reasons stated above and in Plaintiffs' Motion to Compel, Plaintiffs respectfully request that the Court **Deny** Amazon's request to stay its discovery obligations and **Grant** Plaintiffs' Motion to Compel.

This 13th day of January, 2011.

Respectfully submitted,



Marianna Chaparova, Plaintiff, *pro se*
E-mail: manach101@yahoo.com



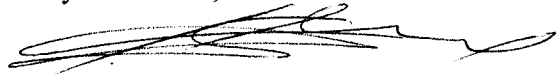
Albert Segal, Plaintiff, *pro se*
10490 S.W. 12th Terr., #202
Miami, FL 33174
E-mail: alby1969_98@yahoo.com

CERTIFICATE OF SERVICE

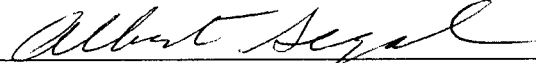
This is to certify that Plaintiffs, Albert Segal and Marianna Chaparova, have this day served upon Amazon's counsels of record the foregoing motion to compel production of documents, via the electronic mail and/or standard U.S. mail.

This 13th day of January, 2011.

Respectfully submitted,



MARIANNA CHAPAROVA, Plaintiff, *pro se*




ALBERT SEGAL, Plaintiff, *pro se*

MAILING LIST

Carlton Fields, P.A.
City Place Tower, Suite 1200
525 Okeechobee Blvd.
West Palm Beach, Florida 33401

Exhibit A

the new Yahoo! Mail


 iPhone 3G S from AT&T.
[Shop Now.](#)

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[Mark as Unread](#) | [Print](#)

Folders

- Inbox (1070)**
- Drafts (28)
- Sent

[]

[]

My Photos

My Attachments

Your Amazon.com Inquiry Sunday, February 14, 2010 10:15 PM

From: "Amazon.com" <seller-evaluation@amazon.com>
To: "manach101@yahoo.com" <manach101@yahoo.com>

Hello from [Amazon.com](#).

Thank you for writing. After a review of your account by an account specialist, we have decided your account will remain blocked.

We regret we are unable to provide further information on this situation. Further correspondence regarding the closure of your selling account will not be answered.

The closure of this account is a permanent action. Any subsequent accounts that are opened will be closed as well.

Best regards,

Seller Performance Team
<http://www.amazon.com>
 =====

----- Original message: -----

I understand that my current rating is 4.7 (stars) out of 5, and I do NOT have any A-Z claims, or anything else negative impacting my account. Is that correct?

Also, please explain to me what it means to have a rating of 4.7.

Thank You!

Chat & Mobile Text [Hide]

I am Available

0 Online Contacts [Add]

You don't have any Chat contacts yet.

Start a New Chat

0 Mobile Contacts [Add]

You don't have any Mobile Text contacts yet.

Start a Text Message

[Settings](#)

My Folders [Add - Edit]

1

ADVERTISEMENT

Exhibit B

Hi, Marianna Sign Out All-New Mail Help

Mail My Y! Yahoo!

Search Search Web



Navigation bar with Mail, Contacts, Calendar, Notepad, What's New?, Mobile Mail, Mail Options, Go, Check Mail, New, Mail Search.

Someone searched for you

Previous | Next | Back to Search Results

Mark as Unread | Printable View

Delete Reply Reply All Forward Spam Move... Go

Re: Marianna Chaparova: Free Super Saver Shipping by Christmas

Sunday, December 12, 2010 12:49 PM

From: "Marianna Chaparova" <manach101@yahoo.com>

To: "Amazon.com" <store-news@amazon.com>

Please do not e-mail me any more offers. Thank you.

From: Amazon.com <store-news@amazon.com>
To: "manach101@yahoo.com" <manach101@yahoo.com>
Sent: Sun, December 12, 2010 11:30:14 AM
Subject: Marianna Chaparova: Free Super Saver Shipping by Christmas

Please click here if the e-mail below is not displayed correctly.

Follow us: f t

amazon.com

E-mail or print for immediate delivery Amazon.com Gift Cards

Your Amazon.com Today's Deals See All Departments

FREE Super Saver Shipping*
There's still time to get your gifts by Christmas

Learn more

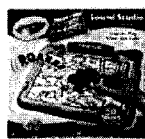
See More Deals



Kindle: The #1 bestselling product on Amazon, only \$189



This week's Lightning Deals in Movies & TV



Up to 70% off select toys and games gifts



Our best video games deals of the season



The best books of 2010



\$25 Amazon.com Gift Card with Flip's new UltraHD



Up to 30% off shoes and accessories



Up to 50% off 5-star toys



Christmas Corner: Your one-stop shop for holiday essentials



Up to 40% off kitchen and home gifts



Movie stocking stuffers starting at \$4.99

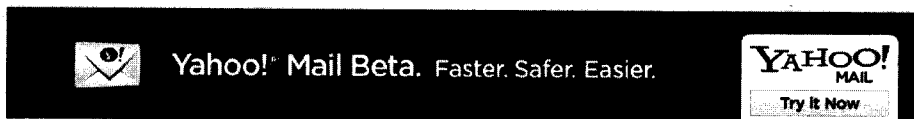


Amazon.com Gift Cards: Send by e-mail, Facebook, print, or mail

Hi, Marianna Sign Out All-New Mail Help

Mail My Y! Yahoo!

Search [Search Web]



Mail | Contacts | Calendar | Notepad | What's New? | Mobile Mail | Mail Options | Go

Check Mail | New [] Mail Search

- Someone searched for you
- Folders**
- Inbox (1181)
- Drafts (67)
- Sent
- Spam (26) [Empty]
- Trash [Empty]
- My Photos
- My Attachments
- My Folders [Add - Edit]
- 1

Previous | Next | Back to Search Results | Mark as Unread | Printable View

Delete | Reply | Reply All | Forward | Spam | Move... | Go

Re: Blu-ray New Releases at Amazon.com
From: "Marianna Chaparova" <manach101@yahoo.com>
To: "Amazon.com" <store-news@amazon.com>

Please do not send me any more mail. Thank you.

From: Amazon.com <store-news@amazon.com>
To: "manach101@yahoo.com" <manach101@yahoo.com>
Sent: Tue, December 14, 2010 5:43:28 AM
Subject: Blu-ray New Releases at Amazon.com

Please click here if the e-mail below is not displayed correctly.

amazon.com E-mail or print for immediate delivery > Amazon.com Gift Cards
[Your Amazon.com](#) [Today's Deals](#) [See All Departments](#)

Dear Amazon.com Customer,
Customers who have shopped for or browsed high-definition products might also be interested in learning about this week's hottest new releases on Blu-ray.

New Releases

Blu-ray Spotlight Deals



Save up to 54% on over 500 featured Blu-ray movies & TV shows now on sale.

Learn more

Blu-ray New Releases for the Week of December 14, 2010

- "Despicable Me (Three-Disc Blu-ray/DVD Combo + Digital Copy)"
> [Learn more](#)
- "The A-Team (+ Digital Copy) [Blu-ray]"
> [Learn more](#)
- "The Town (Extended Cut Blu-ray/DVD Combo + Digital Copy)"
> [Learn more](#)
- "The Other Guys (Two-Disc Blu-ray/DVD Combo + Digital Copy)"
> [Learn more](#)
- "24: Season Eight--The Complete Final Season [Blu-ray]"
> [Learn more](#)
- "Nanny McPhee Returns [Blu-ray]"
> [Learn more](#)
- "Le Noise (Amazon.com Exclusive) [Blu-ray]"
> [Learn more](#)

Blu-ray Deal of the Week



Save 50% on the hit musical-comedy-drama "Glee: The Complete First Season [Blu-ray]".





Get \$10 Gift Card with "Back to the Future Trilogy [Blu-ray]"

Hi, Marianna Sign Out All-New Mail Help

Mail My Y! Yahoo!

Search Search Web

Department Stores are Ripping You Off Save up to 90% Off

 <p>Apple iMac 27" 1TB Price: \$455.99 Bid: \$85.78 00:11 Save: 92%</p>	 <p>32 GB Apple iPad 3Gs Price: \$399.99 Bid: \$30.67 00:09 Save: 68%</p>	 <p>Apple MacBook Pro 15.4" 250 GB Price: \$4385 Bid: \$65.84 00:10 Save: 74%</p>	 <p>QuiBids Life Live Now</p>
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Mail Contacts Calendar Notepad What's New? Mobile Mail Mail Options Go

Check Mail New Mail Search

Someone searched for U

Previous | Next | Back to Search Results

Mark as Unread | Printable View

Delete Reply Reply All Forward Spam Move... Go

Marianna Chaparova: Sell Back "Elementary Differential Equations and Boundary Value Problems"

Wednesday, December 15, 2010 10:07 AM

From: "Amazon.com" <store-offers@amazon.com>
To: "manach101@yahoo.com" <manach101@yahoo.com>

Please click here if the e-mail below is not displayed correctly



E-mail or print for immediate delivery > Amazon.com Gift Cards

Your Amazon.com Today's Deals See All Departments

Dear Amazon.com Customer,

Customers who purchased textbooks from Amazon.com may be interested in an easy way to get great prices for used titles through our Textbook Buyback Store.

Visit the Textbook Buyback Store

Get Great Prices for Your Used Textbooks



Elementary Differential Equations and Boundary Value Problems



International Business Transactions: A Problem-oriented Coursebook (American Casebook)



Chemistry in Context



Criminal Procedure and the Constitution, Leading Supreme Court Cases and Introductory Text, 2009 ed. (American Casebook)

Textbook Buyback [Learn more](#)

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- > Electronics
- > Toys & Games
- > Kitchen & Dining
- > Movies & TV
- > Video Games
- > Baby
- > Home Improvement
- > Video on Demand
- > Cell Phones & Service
- > Clothing
- > Grocery
- > Music
- > Computers & Software
- > Shoes
- > Patio, Lawn & Garden
- > MP3 Downloads
- > Sports & Outdoors
- > Jewelry & Watches
- > Health & Personal Care
- > Magazines
- > Automotive
- > Beauty
- > Gourmet Food
- > Kindle
- > Prime
- > Gold Box
- > Gift Cards

We hope you found this message to be useful. However, if you'd rather not receive future e-mails of this sort from Amazon.com, please visit the opt-out link here: <http://www.amazon.com/gp/css/o/1pa7u8fKGLqskNduMS79g1Bedr.bkEWfpNWw8KguR0YS18PSoU3xIXGcN2U9pbj>

Please note that product prices and availability are subject to change. Prices and availability were accurate at the time this newsletter was sent; however, they may differ from those you see when you visit Amazon.com.

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Please note that this message was sent to the following e-mail address: manach101@yahoo.com

Delete Reply Reply All Forward Spam Move... Go

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Select Message Encoding

Go | Full Headers

Exhibit C

From: "Esau, David B." <desau@carltonfields.com>
To: alex siegal <alby1969_98@yahoo.com>
Sent: Thu, December 16, 2010 9:37:50 AM
Subject: RE: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

I was able to attach all of the documents in one email. You have everything we will be producing. Thank you.

From: alex siegal [mailto:alby1969_98@yahoo.com]
Sent: Wednesday, December 15, 2010 9:08 PM
To: Esau, David B.
Subject: Re: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

Mr. Esau:

We still have not received from you the "several email batches" containing "voluminous" documents, as promised in your e-mail below. You have sent us only one attachment so far, which consisted of mostly duplicate documents (copies of the ones we had produced). Will you be sending us any other documents?

Hope to hear from you soon! Thank you.

Sincerely,
Albert Segal

From: "Esau, David B." <desau@carltonfields.com>
To: alex siegal <alby1969_98@yahoo.com>
Cc: manach101@yahoo.com
Sent: Fri, December 10, 2010 2:19:15 PM
Subject: RE: Segal/Chaparova v. Amazon.com (Case No. 10-cv-20718, U.S. District Court for the Southern District of Florida)

Mr. Segal-

Per your request below, I will be sending you shortly, via electronic mail, those certain documents and correspondence related to your seller account that were referenced in Amazon's written responses to your requests for production. The set of documents I will be sending you is voluminous, so I'm sure you can understand that it has taken some time to search for, compile, and review them, and to upload them electronically pursuant to your request. Because of the volume, I will be sending them in several email batches.

With respect to your email below: without waiving Amazon's objections (which will be forthcoming in due course), respectfully, the requests below are not more narrow. In fact, they are just as (or more) overbroad, unduly burdensome, and irrelevant as your previous requests. This case and the causes of action in your amended complaint (including the elements of each of your causes of action) are related to your experience with Amazon. They have nothing to do with other Amazon customers or sellers. You are not representing those other customers/sellers, and they have no claims or material stake in this litigation. Thus, your "simplifications" below are still overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as to your causes of action. If you'd like to further narrow your requests below to include only issues relevant to your causes of action, I'd be happy to consider them. Otherwise, I will provide complete written responses and objections to the requests below at a later date. Thank you.

-David

Exhibit D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 10-CIV-20718-COOKE/BANDSTRA

ALBERT SEGAL, and
MARIANNA CHAPAROVA,

Plaintiffs,

- vs. -

AMAZON.COM, INC.,

Defendant.

**DEFENDANT AMAZON.COM, INC.'S RESPONSES AND OBJECTIONS TO
PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendant Amazon.com, Inc. ("Amazon") hereby serves its response and objections to Plaintiffs' First Request for Production of Documents and Things ("Requests"):

General Objections Applicable to All Requests

1. Amazon objects to the Requests on the ground and to the extent that they are overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that they seek documents covering all of the years 2008, 2009, and 2010 despite the fact that all of the claims and conduct alleged in the Amended Complaint stem from a purported Amazon seller account established by Plaintiffs in November 2009. *See* Amended Complaint, at 9.

2. Amazon objects to the Requests on the ground and to the extent that they seek information related to other customers, especially inasmuch as such documents are not reasonably calculated to lead to the discovery of admissible evidence with respect to the well-plead claims and defenses of the parties in this case.

3. Amazon objects to the Requests on the ground and to the extent that they seek information protected by the attorney/client privilege or the work product doctrine. Since many (if not all) of the Requests are wildly overbroad, Amazon has no way of reasonably searching for or compiling privileged or protected documents without substantial undue burden, and will provide a privilege log when and if necessary and after its objections are ruled upon.

Specific Responses and Objections

Request for Production Number 1: Copies of any and all internal company correspondence, including memos, letters, notes, emails (in their original form), and all other documents that relate to the Amazon's "Participation Agreement."

Response to Request for Production Number 1: Amazon objects to this Request on the ground and to the extent that it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that the Request appears to seek every single piece of paper and every single electronic record in Amazon's possession that relates in any way to the Amazon "Participation Agreement" regardless of whether these documents have anything to do whatsoever with the claims or defenses framed by the well-plead pleadings in this case, and regardless of whether the documents have anything to do with the Plaintiffs in this case. As framed, this Request could include literally millions of pages of documents. Amazon also objects to this Request on the ground and to the extent that it seeks information protected by the attorney/client privilege and/or the work product doctrine, but because the Request is so wildly overbroad, Amazon has no way of reasonably searching for or compiling privileged or protected documents (or responsive documents), and will provide a privilege log when and if necessary and after its objections are ruled upon. Notwithstanding these objections, Amazon will make certain documents related to Plaintiffs' Amazon Marketplace account and correspondence

regarding that account available for inspection and copying at a mutually convenient time and place.

Request for Production Number 2: Copies of any and all training and operation manuals, and all other pertinent information given to any person responsible for corresponding with the Amazon's Seller-Customers.

Response to Request for Production Number 2: Amazon objects to this Request on the ground and to the extent that it is vague, ambiguous, unclear, and overbroad with respect to the phrases "all other pertinent information" and "given to any person" and "responsible for corresponding with the Amazon's Seller-Customers." Amazon also objects to this Request on the ground and to the extent that it is overbroad and not reasonably calculated to lead to the discovery of admissible evidence in that it seeks information that is not relevant to the claims or defenses framed by the well-plead pleadings in this case. Amazon also objects to this Request on the ground and to the extent that it seeks proprietary and commercially sensitive internal information and/or information protected by the attorney/client privilege or the work product doctrine. Because the Request is so overbroad, Amazon has no way of reasonably searching for or compiling privileged or protected documents, and will provide a privilege log when and if necessary and after its objections are ruled upon.

Request for Production Number 3: Copies of any and all company correspondence, including memos, letters, notes, emails (in their original form), and all other documents that relate to Amazon's decision to withhold/reserve its customers' funds, suspend its customers' listings and/or terminate its customers' accounts.

Response to Request for Production Number 3: Amazon objects to this Request on the ground and to the extent that it is vague, ambiguous, and overbroad with respect to the phrase “Amazon’s decision to withhold/reserve its customers’ funds.” Amazon also objects to this Request on the ground and to the extent that it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that the Request appears to seek every single piece of paper and every single electronic record in Amazon’s possession that relates in any way to any decision by Amazon to withhold funds or suspend or terminate any account of any customer of Amazon, regardless of whether these documents have anything to do whatsoever with the claims or defenses framed by the well-plead pleadings in this case, and regardless of whether the documents have anything to do with the Plaintiffs in this case. Similarly, Amazon also objects to this Request because it appears to seek information related to Amazon’s other customers, none of whom have any material interest in this case, and none of whom possess facts that are relevant to the Plaintiffs’ claims in this case. Amazon also objects to this Request on the ground and to the extent that it seeks information protected by the attorney/client privilege and/or the work product doctrine, but because the Request is so wildly overbroad, Amazon has no way of reasonably searching for or compiling privileged or protected documents (or responsive documents), and will provide a privilege log when and if necessary and after its objections are ruled upon. Notwithstanding these objections, Amazon will make certain documents related to Plaintiffs’ Amazon Marketplace account and correspondence regarding that account available for inspection and copying at a mutually convenient time and place.

Request for Production Number 4: Copies of any and all complaints from Amazon's Seller-Customers and documents related to Amazon's responses to those complaints (personal information may be redacted).

Response to Request for Production Number 4: Amazon objects to this Request on the ground and to the extent that it is vague, ambiguous, and overbroad with respect to the terms "complaints" and "responses." Amazon also objects to this Request on the ground and to the extent that it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that the Request appears to seek documents that have nothing to do with the claims or defenses framed by the well-plead pleadings of the parties in this case, and regardless of whether the documents have anything to do with the Plaintiffs in this case. Similarly, Amazon also objects to this Request because it appears to seek information related to certain of Amazon's other customers, none of whom have any material interest in this case, and none of whom possess facts that are relevant to the Plaintiffs' claims in this case. Amazon also objects to this Request on the ground and to the extent that it seeks information protected by the attorney/client privilege and/or the work product doctrine, but because the Request is so wildly overbroad, Amazon has no way of reasonably searching for or compiling privileged or protected documents (or responsive documents), and will provide a privilege log when and if necessary and after its objections are ruled upon.

Request for Production Number 5: Copies of any and all financial records, including a complete accounting of all funds that have been withheld/reserved by Amazon from its Seller-Customers for any reason.

Response to Request for Production Number 5: Amazon objects to this Request on the ground and to the extent that it is vague, ambiguous, and overbroad with respect to the phrases “financial records” and “complete accounting.” Amazon also objects to this Request on the ground and to the extent that it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that the Request appears to seek documents that have nothing to do with the claims or defenses framed by the well-plead pleadings of the parties in this case, and regardless of whether the documents have anything to do with the Plaintiffs in this case. Similarly, Amazon also objects to this Request because it appears to seek information related to certain of Amazon’s other customers, none of whom have any material interest in this case, and none of whom possess facts that are relevant to the Plaintiffs’ claims in this case. Amazon also objects to this Request on the ground and to the extent that it seeks highly proprietary and sensitive business and financial information and trade secrets, and/or information protected by the attorney/client privilege and/or the work product doctrine, but because the Request is so wildly overbroad, Amazon has no way of reasonably searching for or compiling privileged or protected (or responsive) documents, and will provide a privilege log when and if necessary and after its objections are ruled upon. With respect to Plaintiffs’ request for Amazon’s “financial records,” Amazon directs Plaintiffs to the website of the United States Securities and Exchange Commission (www.sec.gov), which provides free downloading of detailed financial statements for all publicly traded companies (including Amazon), and which information is equally available to Plaintiffs and to Amazon. Plaintiffs may also view Amazon’s financial and annual reports at www.amazon.com.

Request for Production Number 6: Any and all other documents identified in Amazon's "Initial Disclosures" that to date have not been produced.

Response to Request for Production Number 6: Amazon objects to this Request on the ground and to the extent that it seeks information protected by the attorney/client privilege and/or the work product doctrine, but because the Request is overbroad and the claims in the Amended Complaint lack sufficient detail, Amazon has no way of reasonably searching for or compiling privileged or protected documents, and will provide a privilege log when and if necessary and after its objections are ruled upon. Notwithstanding these objections, Amazon will produce certain documents related to Plaintiffs' Amazon Marketplace account and correspondence regarding that account. As stated in Amazon's Initial Disclosures, however, it is unclear from the allegations in the Amended Complaint what other documents or categories of documents might be relevant to the claims or defenses in this case. Notwithstanding these objections, Amazon will make certain documents related to Plaintiffs' Amazon Marketplace account and correspondence regarding that account available for inspection and copying at a mutually convenient time and place.

Request for Production Number 7: Any and all other documents, electronically stored information, and tangible things that are relevant to the claims raised in the Plaintiffs' Amended Complaint, to Amazon's defenses, etc.

Response to Request for Production Number 8: Amazon objects to this Request on the ground and to the extent that it is vague, ambiguous, and overbroad with respect to the term "etc." and because the Request improperly places the burden on Amazon to determine what documents might conceivably be relevant to Plaintiff's claims. Amazon also objects to this Request on the

ground and to the extent that it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that the claims in the Amended Complaint (and this Request) lack sufficient detail for Amazon to determine what other documents or categories of documents might be relevant to the claims or defenses in this case. Amazon also objects to this Request on the ground and to the extent that it seeks information protected by the attorney/client privilege and/or the work product doctrine, but because the Request is so wildly overbroad, Amazon has no way of reasonably searching for or compiling privileged or protected documents, and will provide a privilege log when and if necessary and after its objections are ruled upon. Notwithstanding these objections, Amazon will make certain documents related to Plaintiffs' Amazon Marketplace account and correspondence regarding that account available for inspection and copying at a mutually convenient time and place.

Dated: December 4, 2010

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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2010, I served the foregoing document via E-Mail on the individuals identified on the Service List below.

/s/ David B. Esau
David B. Esau

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