

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SONNY JOYCE, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

AMAZON.COM, INC., ANDREW R. JASSY,
JEFFREY P. BEZOS, BRIAN T.
OLSAVSKY, DAVID A. ZAPOLSKY, and
NATE SUTTON,

Defendants,

Case No.: 2:22-cv-00617-JHC

(CONSOLIDATED CASE)

**STIPULATED MOTION FOR LEAVE TO
FILE OVER-LENGTH BRIEFING WITH
RESPECT TO DEFENDANTS' MOTION
TO DISMISS CONSOLIDATED CLASS
ACTION COMPLAINT**

NOTED ON MOTION CALENDAR:
November 7, 2022

ASBESTOS WORKERS PHILADELPHIA
WELFARE AND PENSION FUND, on behalf
of itself and all others similarly situated,

Plaintiff,

v.

AMAZON.COM, INC., ANDREW R. JASSY,
BRIAN T. OLSAVSKY, and DAVID
FILDES,

Defendants.

1
2 DETECTIVES ENDOWMENT
3 ASSOCIATION ANNUITY FUND,
4 Individually and On Behalf of All Others
5 Similarly situated,

6
7 Plaintiff,

8 v.

9 AMAZON.COM, INC., ANDREW R. JASSY,
10 BRIAN T. OLSAVSKY, and DAVID
11 FILDES,

12 Defendants.

13 Pursuant to Local Rule 7(f), Defendants Amazon.com, Inc., Jeffrey P. Bezos, Andrew R.
14 Jassy, Brian T. Olsavsky, David A. Zapolsky, Nate Sutton, and David Fildes, and Lead Plaintiffs
15 Universal-Investment-Gesellschaft mbH, Universal-Investment-Luxembourg S.A., Menora
16 Mivtachim Insurance Ltd., Menora Mivtachim Pensions and Gemel Ltd., The Phoenix Insurance
17 Company, Ltd., and The Phoenix Provident Pension Fund Ltd., and Plaintiffs Asbestos Workers
18 Philadelphia Welfare and Pension Fund, and Detectives Endowment Association Annuity Fund
19 respectfully request that the Court grant the parties leave to file over-length briefing in connection
20 with Defendants' forthcoming motion to dismiss the Consolidated Class Action Complaint (the
21 "Consolidated Complaint") (Dkt. No. 70).

22 On August 17, 2022, pursuant to a stipulation between the parties, this Court ordered the
23 consolidation of three putative securities class actions: (i) *Joyce v. Amazon.com, Inc., et al.*, 2:22-
24 cv-00617 ("*Joyce*"); (ii) *Asbestos Workers Philadelphia Welfare and Pension Fund v.*
25 *Amazon.com, Inc., et al.*, 2:22-cv-00934 ("*Asbestos Workers*"); and (iii) *Detectives Endowment*
26 *Association Annuity Fund v. Amazon.com, Inc., et al.*, 2:22-cv-00950-JHC ("*Detectives*"). (See
27 Consolidation Order, Dkt. No. 58.) The claims in *Joyce* arose from alleged misrepresentations
28 and omissions concerning Amazon's alleged use of third-party seller data (the "Third Party Seller
Allegations"); the claims in *Asbestos Workers* and *Detectives* arose from alleged

1 misrepresentations and omissions concerning the capacity of Amazon’s fulfillment network (the
2 “Capacity Allegations). (*See id.*)

3 Plaintiffs’ 173-page Consolidated Complaint asserts claims for alleged violations of
4 Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) and associated Rule
5 10b-5, and Section 20(a) of the Exchange Act. The 532 paragraphs in the Consolidated Complaint
6 allege 48 misrepresentations and omissions concerning the Third Party Seller Allegations and 10
7 additional misrepresentations and omissions concerning the Capacity Allegations. In anticipation
8 of Defendants’ motion to dismiss, counsel for the parties met and conferred regarding the
9 appropriate number of pages for the parties to adequately brief that motion. Given the breadth and
10 complexity of the allegations, claims, and legal arguments involved, and the consolidation of three
11 cases resulting in the Consolidated Complaint, the parties agree and submit that the standard page
12 limits under Local Rule 7(e) will not allow the parties to adequately cover all of the issues.
13 Accordingly, the parties respectfully request that the Court modify the page limitations for the
14 briefing associated with Defendants’ forthcoming motion to dismiss as follows:

Briefing	Additional pages requested	Total page limit
Defendants’ opening brief	21	45
Plaintiffs’ opposition brief	21	45
Defendants’ reply brief	10	22

19
20 Dated: November 7, 2022

Respectfully submitted,

21 FENWICK & WEST LLP

22
23 By: /s/ Brian D. Buckley

Brian D. Buckley, WSBA No. 26423

1191 Second Avenue, 10th Floor

Seattle, WA 98101

24 Telephone: 206.389.4510

25 Email: bbuckley@fenwick.com

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP

Daniel J. Kramer
Audra J. Soloway
Daniel S. Sinnreich
1285 Avenue of the Americas
New York, NY 10019
Telephone: 212.373.3000
Email: dkramer@paulweiss.com
asoloway@paulweiss.com
dsinnreich@paulweiss.com

Martha L. Goodman
2001 K Street NW
Washington, DC 20006
Telephone: 202.223.7341
Email: mgoodman@paulweiss.com

Attorneys for Defendants

BRESKIN, JOHNSON & TOWNSEND, PLLC

By: /s/ Roger M. Townsend
Roger M. Townsend, WSBA No. 25525
1000 Second Avenue, Suite 3670
Seattle, WA 98104
Telephone: 206.652.8660
Email: rtownsend@bjtlegal.com

MOTLEY RICE LLC

Gregg S. Levin
William S. Norton
Joshua C. Littlejohn
Christopher F. Moriarty
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
Telephone: 843.216.9000
Email: glevin@motleyrice.com
bnorton@motleyrice.com
jlittlejohn@motleyrice.com
cmoriarty@motleyrice.com

POMERANTZ LLP

Jeremy A. Lieberman
Emma Gilmore
Dolgora Dorzhieva
Villi Shteyn
600 Third Avenue
New York, NY 10016

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Telephone: 212.661.1100
Email: jalieberman@pomlaw.com

egilmore@pomlaw.com
ddorzhieva@pomlaw.com
vshteyn@pomlaw.com

Orly Guy
Eitan Lavie
Ariel Shannon 4, 34th Floor
Givatayim, Israel 5320047
Telephone: +972 (0) 3 624 0240
Email: oguy@pomlaw.com
eitan@pomlaw.com

BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP

James A. Harrod
Adam Hollander
Brendan Walden
1251 Avenue of the Americas
New York, NY 10020
Telephone: 212.554.1400
Email: jim.harrod@blbglaw.com
adam.hollander@blbglaw.com
brendan.walden@blbglaw.com

BARRACK, RODOS & BACINE

Stephen R. Basser
Samuel M. Ward
600 West Broadway, Suite 900
San Diego, CA 92101
Telephone: 619.230.0800
Email: sbasser@barrack.com
sward@barrack.com

Jeffrey A. Barrack
3300 Two Commerce Square
2001 Market Street
Philadelphia, PA 19103
Telephone: 215.963.0600
Email: jbarrack@barrack.com

Attorneys for Plaintiffs

ORDER

1
2 THIS MATTER comes before the Court, pursuant to Local Rule 7(f), on the Stipulated
3 Motion For Leave To File Over-Length Briefing With Respect To Defendant’s Motion To Dismiss
4 Consolidated Class Action Complaint (“Stipulated Motion”), filed jointly by Defendants
5 Amazon.com, Inc., Jeffrey P. Bezos, Andrew R. Jassy, Brian T. Olsavsky, David A. Zapolsky,
6 Nate Sutton, and David Fildes, and Plaintiffs Universal-Investment-Gesellschaft mbH, Universal-
7 Investment-Luxembourg S.A., Menora Mivtachim Insurance Ltd., Menora Mivtachim Pensions
8 and Gemel Ltd., The Phoenix Insurance Company, Ltd., The Phoenix Provident Pension Fund
9 Ltd., Asbestos Workers Philadelphia Welfare and Pension Fund, and Detectives Endowment
10 Association Annuity Fund. The Stipulated Motion requests that the Court grant the parties leave
11 to file briefing with respect to Defendants’ forthcoming motion to dismiss that exceeds the standard
12 page limitations under Local Rule 7(e).

13 Having reviewed the parties’ Stipulated Motion, it is HEREBY ORDERED that:

14 The parties’ Stipulated Motion is **GRANTED**. Defendants are granted leave to file an
15 opening brief for their forthcoming motion to dismiss the Consolidated Class Action Complaint
16 with an additional twenty-one (21) pages, for a total of forty-five (45) pages; Plaintiffs are granted
17 leave to file an opposition brief with an additional twenty-one (21) pages, for a total of forty-five
18 (45) pages; and Defendants are granted leave to file a reply brief with an additional ten (10) pages,
19 for a total of twenty-two (22) pages.

20 **SO ORDERED.**

21 Dated this 8th day of November, 2022.

22
23 
24 THE HONORABLE JOHN H. CHUN
25 UNITED STATES DISTRICT JUDGE
26
27
28