

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF THE ADMINISTRATIVE LAW JUDGE



ORIGINAL

DOCKET NO. 9389

In the Matter of

Axon Enterprise, Inc.
a corporation;

and

Safariland, LLC,
a corporation.

**COMPLAINT COUNSEL’S UNOPPOSED MOTION FOR ISSUANCE OF SUBPOENAS
DUCES TECUM TO MUNICIPAL AGENCIES UNDER RULE OF PRACTICE 3.36 AND
REQUEST FOR EXPEDITED TREATMENT**

Complaint Counsel brings this Motion pursuant to Federal Trade Commission (“Commission”) Rule of Practice 3.36, 16 C.F.R. § 3.36, for the issuance of Subpoenas *Duces Tecum* for the production of documents, as defined in in Rule of Practice 3.34(b), 16 C.F.R. § 3.34(b). A proposed order is attached as Exhibit A. A generic form of the requested subpoena is attached as Exhibit B, and a list of the municipal agencies to receive the subpoenas is provided as Exhibit C. Respondents do not oppose Complaint Counsel’s motion. The material sought is substantially the same as Respondent Axon (“Axon”) sought in its Amended and Unopposed Motion for Issuance of Subpoenas *Duces Tecum* to Law Enforcement Agencies Under Practice Rule 3.36 and Request For Expedited Ruling filed on February 13, 2020 (“Rule 3.36 Motion”) and meets the requirements set out in Rule 3.36.¹ We respectfully ask that the Motion be granted

¹ On February 12, 2020, when Axon filed its initial motion for Subpoenas *Duces Tecum* under Rule 3.36, Complaint Counsel had not been given a list of recipient police departments or the final specifications for the proposed subpoenas. Once Complaint Counsel received this information, Complaint Counsel informed Axon that it did not object to the motion, and Axon

and that the subpoenas be issued as requested. Unsigned Subpoenas *Duces Tecum* for the listed municipal agencies are attached as Exhibit D. As Axon's Rule 3.36 Motion requested, Complaint Counsel also seeks expedited treatment of this motion.

ARGUMENT

Rule 3.36(b) of the Commission's Rules of Practice requires the party seeking issuance of a subpoena to an official or employee of another governmental agency for the production of documents to make a specific showing regarding the requested subpoena. With respect to subpoenas to be served within the United States, the party must show that:

- (1) the material sought is reasonable in scope;
- (2) if for an adjudicative hearing, the material is reasonably relevant;
- (3) the material cannot reasonably be obtained by other means;
- (4) the material meets the requirements of Rule of Practice § 3.37.

The material sought is reasonable in scope. Each listed municipal agency is located within the United States and is either a past, current, or potential customer of Body Worn Camera Systems ("BWC Systems"). All of the agencies were listed in Axon's Rule. 3.36 Motion and the Court found that subpoenas to those agencies are reasonable in scope.²

Each listed municipal agency maintains records of use, supply, or procurement of BWC Systems in its ordinary course of business. The subpoenas request production of existing agency records in the format in which they are kept in the ordinary course. The material is substantially

filed its amended motion. This Court granted that motion on February 14, 2020. In order to ensure that Complaint Counsel can get the information necessary for its case, while taking into account the burden on the listed departments, Complaint Counsel is seeking its own subpoenas so that it can be part of the negotiations about compliance with the subpoenas, including custodian negotiations.

² As set forth in Axon's Rule 3.36 Motion, most of the Departments on the list of proposed recipients were identified on the parties' preliminary witness lists or on Complaint Counsel's Initial Disclosures. Public versions of those documents are attached as Exhibits E-G.

the same as Axon sought in its Rule 3.36 Motion. Complaint Counsel seeks two additional limited categories of material: material related to any problems related to Axon's on-going effort to transition VieVu's customers to Axon; and material related to *any* BWC fires, swelling, or overheating, rather than just those related to VieVu.

The material sought is highly relevant to Complaint Counsel's allegations in the Complaint and Respondents' defenses. The listed municipal agencies' experience purchasing and using BWC Systems is relevant to defining the relevant market, evaluating the effects of Axon's acquisition of VieVu on competition in the relevant market, the barriers to entry and expansion in the market, and potential remedies to restore lost competition. Each of the listed municipal agencies were listed in Axon's Rule 3.36 Motion, and this Court has found that the material sought is highly relevant to the allegations and defenses. The limited additional materials sought by Complaint Counsel are also highly relevant to the claims and defenses asserted and relate to Axon's transfer of VieVu customers to Axon's system and contextualize any responses to Axon's requests regarding problems with VieVu's cameras by seeking documents relating to problems with *any* BWC System.

The material cannot be reasonably obtained by other means. The materials sought are created and maintained by the municipal agencies themselves. Municipal agencies often independently conduct their own research, issue their own procurement requests for BWC Systems, evaluate bids for BWC Systems, operate their own BWC System, and interact with suppliers of BWC Systems. Complaint Counsel is not aware of any centralized entity that collects and stores the relevant material.

The material requested meets the requirements of Rule of Practice § 3.37. The subpoena requests documents, as defined in Rule of Practice 3.34(b), including electronically stored

information in the possession or control of each municipal agency and specifies with reasonable particularity the materials sought. Because the material sought is substantially the same as that sought by Axon, there is very little additional burden placed on the listed municipal agencies.

CONCLUSION

This Court has recognized that issuance of a subpoena to a governmental agency is appropriate if the moving party meets the criteria under Rule 3.36. *In re Axon Enter.*, FTC Docket No. 9389 (Order dated Feb. 14, 2020). For the reasons stated above, Complaint Counsel respectfully requests that the Court grant the Motion and issue the subpoenas to the listed municipal agencies.

Dated: February 19, 2020

Respectfully submitted,

/s/ Z. Lily Rudy

Z. Lily Rudy
Jennifer Milici
Peggy Bayer Femenella
Bureau of Competition
Federal Trade Commission
400 7th Street, S.W.
Washington, D.C. 20024

Complaint Counsel

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF THE ADMINISTRATIVE LAW JUDGES

In the Matter of

Axon Enterprise, Inc.
a corporation;

and

Safariland, LLC,
a corporation.

DOCKET NO. 9389

COMPLAINT COUNSEL'S MEET AND CONFER STATEMENT

Pursuant to the Scheduling Order issued on January 30, 2020, Complaint Counsel states that it has conferred with Respondents' counsel. Respondents' counsel has advised that they do not object to the issuance of the subpoenas.

Dated: February 19, 2020

Respectfully submitted,

/s/ Z. Lily Rudy

Z. Lily Rudy
Jennifer Milici
Peggy Bayer Femenella
Bureau of Competition
Federal Trade Commission
400 7th Street, S.W.
Washington, D.C. 20024

Complaint Counsel

EXHIBIT A

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF THE ADMINISTRATIVE LAW JUDGES

In the Matter of

Axon Enterprise, Inc.
a corporation;

and

Safariland, LLC,
a corporation.

DOCKET NO. 9389

**[PROPOSED] ORDER ON COMPLAINT COUNSEL'S
UNOPPOSED MOTION FOR ISSUANCE OF SUBPOENAS
DUCES TECUM TO MUNICIPAL AGENCIES UNDER
RULE OF PRACTICE 3.36 AND REQUEST FOR
EXPEDITED TREATMENT**

On February 18, 2020, pursuant to Rule 3.36 of the Commission's Rules of Practice, Complaint Counsel filed an Unopposed Motion for the Issuance of Subpoenas *Duces Tecum* attached hereto as Exhibit D. The form of the subpoenas is attached hereto as Exhibit B, and the subpoena recipients are identified on the list attached hereto as Exhibit C.

The requirements of Rule of Practice § 3.36(b) are met, and the Motion is unopposed.

Accordingly, Respondent's motion is **GRANTED**.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date:

EXHIBIT B

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “[REDACTED],” “you,” or “your” each means [REDACTED], and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. “BWC” means any body-worn camera.

10. “DEMS” means any digital evidence management system.

11. “RFP” means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. “And” and “or” have the broadest meaning possible.

13. “Any” and “all” mean “each and every,” and have the broadest meaning possible.

14. “Communication” means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of

any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)

EXHIBIT C

RECIPIENTS OF REQUESTED SUBPOENAS *DUCES TECUM*

Alameda County Sheriff's Office
Atlanta Police Department
Aurora Police Department
Boston Police Department
Buffalo Police Department
Chicago Police Department
Columbus Police Department
Denver Police Department
Detroit Police Department
Durham Police Department
El Paso Police Department
Fairfax County Police Department
Honolulu Police Department
Houston Police Department
Jacksonville Florida Sheriff's Office
Las Vegas Police Department
Long Beach Police Department
Los Angeles Police Department
Memphis Police Department
County of Miami Dade
Nashville Police Department
New York City Police Department
Oakland Police Department
Orlando Police Department
City of Phoenix
Prince George's County Police Department
Salt Lake City Police Department
San Antonio Police Department
Seattle Police Department

EXHIBIT D



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Alameda County Sheriff's Office 1401 Lakeside Drive 12th Floor Oakland, CA 94612</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Nicole Lindquist, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Alameda County Sheriff’s Office,” “you,” or “your” each means Alameda County Sheriff’s Office, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members,

employees, agents, attorneys, or other representatives acting on the person's behalf.

6. This "Action" or "Litigation" means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. "Transaction" means Axon's acquisition of Viewu.

8. "Investigation" means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. "BWC" means any body-worn camera.

10. "DEMS" means any digital evidence management system.

11. "RFP" means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. "And" and "or" have the broadest meaning possible.

13. "Any" and "all" mean "each and every," and have the broadest meaning possible.

14. "Communication" means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. "Concerning," "Relating to," and "Regarding," mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising,

containing, describing, dealing with, evidencing, identifying, involving, reporting on, relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

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18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with

the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege

or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to

show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Atlanta Police Department 226 Peachtree St SW Atlanta, GA 30303</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Z. Lily Rudy, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Atlanta Police Department,” “you,” or “your” each means Atlanta Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. “BWC” means any body-worn camera.

10. “DEMS” means any digital evidence management system.

11. “RFP” means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. “And” and “or” have the broadest meaning possible.

13. “Any” and “all” mean “each and every,” and have the broadest meaning possible.

14. “Communication” means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of

any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

1. TO

Aurora Police Department
15001 E. Alameda Parkway
Aurora, CO 80012

2. FROM

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION

Federal Trade Commission
c/o Jennifer Milici, Esq.
400 7th St SW
Washington, DC 20024

4. MATERIAL WILL BE PRODUCED TO

Nicole Lindquist, Esq. or designee

5. DATE AND TIME OF PRODUCTION

March 10, 2020 by 5:00 pm

6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

8. ADMINISTRATIVE LAW JUDGE

The Honorable D. Michael Chappell

Federal Trade Commission
Washington, D.C. 20580

9. COUNSEL AND PARTY ISSUING SUBPOENA

April Tabor
Acting Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

DATE SIGNED

SIGNATURE OF COUNSEL ISSUING SUBPOENA

GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

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ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

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These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

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2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

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- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
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1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

1. TO

Boston Police Department
One Schroeder Plaza
Roxbury Crossing, MA 02120

2. FROM

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION

Federal Trade Commission
c/o Jennifer Milici, Esq.
400 7th St SW
Washington, DC 20024

4. MATERIAL WILL BE PRODUCED TO

Steve Wilensky, Esq. or designee

5. DATE AND TIME OF PRODUCTION

March 10, 2020 by 5:00 pm

6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

8. ADMINISTRATIVE LAW JUDGE

The Honorable D. Michael Chappell

Federal Trade Commission
Washington, D.C. 20580

9. COUNSEL AND PARTY ISSUING SUBPOENA

April Tabor
Acting Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

DATE SIGNED

SIGNATURE OF COUNSEL ISSUING SUBPOENA

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2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

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II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of

any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Buffalo Police Department 68 Court Street Buffalo, NY 14202</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Merrick Pastore, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Buffalo Police Department,” “you,” or “your” each means Buffalo Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. “BWC” means any body-worn camera.

10. “DEMS” means any digital evidence management system.

11. “RFP” means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. “And” and “or” have the broadest meaning possible.

13. “Any” and “all” mean “each and every,” and have the broadest meaning possible.

14. “Communication” means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of

any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Chicago Police Department 3510 South Michigan Avenue Chicago, IL 60653</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Alexander Ansaldo, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
--	--

DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Chicago Police Department,” “you,” or “your” each means Chicago Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. “BWC” means any body-worn camera.

10. “DEMS” means any digital evidence management system.

11. “RFP” means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. “And” and “or” have the broadest meaning possible.

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15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

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19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

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- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
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22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

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any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Columbus Police Department 120 Marconi Blvd. Columbus, OH 43215</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Steve Wilensky, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Columbus Police Department,” “you,” or “your” each means Columbus Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. “BWC” means any body-worn camera.

10. “DEMS” means any digital evidence management system.

11. “RFP” means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. “And” and “or” have the broadest meaning possible.

13. “Any” and “all” mean “each and every,” and have the broadest meaning possible.

14. “Communication” means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of

any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Denver Police Department 1331 Cherokee Street Denver, CO 80204</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Steve Wilensky, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

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This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Denver Police Department,” “you,” or “your” each means Denver Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. “BWC” means any body-worn camera.

10. “DEMS” means any digital evidence management system.

11. “RFP” means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. “And” and “or” have the broadest meaning possible.

13. “Any” and “all” mean “each and every,” and have the broadest meaning possible.

14. “Communication” means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

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19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

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21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of

any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Detroit Police Department 1301 3rd Street Detroit, MI 48226</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Steve Wilensky, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

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This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Detroit Police Department,” “you,” or “your” each means Detroit Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. “BWC” means any body-worn camera.

10. “DEMS” means any digital evidence management system.

11. “RFP” means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. “And” and “or” have the broadest meaning possible.

13. “Any” and “all” mean “each and every,” and have the broadest meaning possible.

14. “Communication” means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of

any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Durham Police Department 602 East Main Street Durham, NC 27701</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Nicole Lindquist, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Durham Police Department,” “you,” or “your” each means Durham Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. “BWC” means any body-worn camera.

10. “DEMS” means any digital evidence management system.

11. “RFP” means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. “And” and “or” have the broadest meaning possible.

13. “Any” and “all” mean “each and every,” and have the broadest meaning possible.

14. “Communication” means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of

any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

1. TO

El Paso Police Department
911 N. Raynor
El Paso, TX 79903

2. FROM

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION

Federal Trade Commission
c/o Jennifer Milici, Esq.
400 7th St SW
Washington, DC 20024

4. MATERIAL WILL BE PRODUCED TO

Nicole Lindquist, Esq. or designee

5. DATE AND TIME OF PRODUCTION

March 10, 2020 by 5:00 pm

6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

8. ADMINISTRATIVE LAW JUDGE

The Honorable D. Michael Chappell

Federal Trade Commission
Washington, D.C. 20580

9. COUNSEL AND PARTY ISSUING SUBPOENA

April Tabor
Acting Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

DATE SIGNED

SIGNATURE OF COUNSEL ISSUING SUBPOENA

GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “El Paso Police Department,” “you,” or “your” each means El Paso Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. “BWC” means any body-worn camera.

10. “DEMS” means any digital evidence management system.

11. “RFP” means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. “And” and “or” have the broadest meaning possible.

13. “Any” and “all” mean “each and every,” and have the broadest meaning possible.

14. “Communication” means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

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19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

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- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
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Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of

any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

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2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Fairfax County Police Department 12099 Government Center Parkway Fairfax, VA 22035</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
--	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Z. Lily Rudy, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
--	--

DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Fairfax County Police Department,” “you,” or “your” each means Fairfax County Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members,

employees, agents, attorneys, or other representatives acting on the person's behalf.

6. This "Action" or "Litigation" means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. "Transaction" means Axon's acquisition of Viewu.

8. "Investigation" means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. "BWC" means any body-worn camera.

10. "DEMS" means any digital evidence management system.

11. "RFP" means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. "And" and "or" have the broadest meaning possible.

13. "Any" and "all" mean "each and every," and have the broadest meaning possible.

14. "Communication" means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. "Concerning," "Relating to," and "Regarding," mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising,

containing, describing, dealing with, evidencing, identifying, involving, reporting on, relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with

the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege

or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to

show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Honolulu Police Department 801 South Beretania Street Honolulu, HI 96813</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Nicole Lindquist, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Honolulu Police Department,” “you,” or “your” each means Honolulu Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. “BWC” means any body-worn camera.

10. “DEMS” means any digital evidence management system.

11. “RFP” means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. “And” and “or” have the broadest meaning possible.

13. “Any” and “all” mean “each and every,” and have the broadest meaning possible.

14. “Communication” means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

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17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of

any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Houston Police Department 1200 Travis Street Houston, TX 77002</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Steve Wilensky, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Houston Police Department,” “you,” or “your” each means Houston Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. “BWC” means any body-worn camera.

10. “DEMS” means any digital evidence management system.

11. “RFP” means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. “And” and “or” have the broadest meaning possible.

13. “Any” and “all” mean “each and every,” and have the broadest meaning possible.

14. “Communication” means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of

any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

1. TO

Jacksonville Florida Sheriff's Office
501 E. Bay Street
Jacksonville, FL 32202

2. FROM

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION

Federal Trade Commission
c/o Jennifer Milici, Esq.
400 7th St SW
Washington, DC 20024

4. MATERIAL WILL BE PRODUCED TO

Steve Wilensky, Esq. or designee

5. DATE AND TIME OF PRODUCTION

March 10, 2020 by 5:00 pm

6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

8. ADMINISTRATIVE LAW JUDGE

The Honorable D. Michael Chappell

Federal Trade Commission
Washington, D.C. 20580

9. COUNSEL AND PARTY ISSUING SUBPOENA

April Tabor
Acting Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

DATE SIGNED

SIGNATURE OF COUNSEL ISSUING SUBPOENA

GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Jacksonville Florida Sheriff’s Office,” “you,” or “your” each means Jacksonville Florida Sheriff’s Office, and its agencies, departments, officers, employees, agents and representatives.

2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.

3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.

4. “Viewu” means Viewu, LLC.

5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity.

The acts of a person shall include the acts of directors, officers, owners, members,

employees, agents, attorneys, or other representatives acting on the person's behalf.

6. This "Action" or "Litigation" means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. "Transaction" means Axon's acquisition of Viewu.

8. "Investigation" means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. "BWC" means any body-worn camera.

10. "DEMS" means any digital evidence management system.

11. "RFP" means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. "And" and "or" have the broadest meaning possible.

13. "Any" and "all" mean "each and every," and have the broadest meaning possible.

14. "Communication" means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. "Concerning," "Relating to," and "Regarding," mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising,

containing, describing, dealing with, evidencing, identifying, involving, reporting on, relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with

the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege

or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to

show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

1. TO Las Vegas Police Department 400 S. Martin L. King Blvd. Las Vegas, NV 89106	2. FROM UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024	4. MATERIAL WILL BE PRODUCED TO Merrick Pastore, Esq. or designee 5. DATE AND TIME OF PRODUCTION March 10, 2020 by 5:00 pm
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

8. ADMINISTRATIVE LAW JUDGE The Honorable D. Michael Chappell Federal Trade Commission Washington, D.C. 20580	9. COUNSEL AND PARTY ISSUING SUBPOENA April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Las Vegas Police Department,” “you,” or “your” each means Las Vegas Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

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12. “And” and “or” have the broadest meaning possible.

13. “Any” and “all” mean “each and every,” and have the broadest meaning possible.

14. “Communication” means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

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19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

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21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

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1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Long Beach Police Department 400 W. Broadway Long Beach, CA 90802</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
---	---

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Z. Lily Rudy, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
--	--

DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Long Beach Police Department,” “you,” or “your” each means Long Beach Police Department, and its agencies, departments, officers, employees, agents and representatives.

2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.

3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.

4. “Viewu” means Viewu, LLC.

5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity.

The acts of a person shall include the acts of directors, officers, owners, members,

employees, agents, attorneys, or other representatives acting on the person's behalf.

6. This "Action" or "Litigation" means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. "Transaction" means Axon's acquisition of Viewu.

8. "Investigation" means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. "BWC" means any body-worn camera.

10. "DEMS" means any digital evidence management system.

11. "RFP" means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. "And" and "or" have the broadest meaning possible.

13. "Any" and "all" mean "each and every," and have the broadest meaning possible.

14. "Communication" means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. "Concerning," "Relating to," and "Regarding," mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising,

containing, describing, dealing with, evidencing, identifying, involving, reporting on, relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with

the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege

or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to

show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Los Angeles Police Department 100 West 1st Street Los Angeles, CA 90012</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Steve Wilensky, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Los Angeles Police Department,” “you,” or “your” each means Los Angeles Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members,

employees, agents, attorneys, or other representatives acting on the person's behalf.

6. This "Action" or "Litigation" means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. "Transaction" means Axon's acquisition of Viewu.

8. "Investigation" means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. "BWC" means any body-worn camera.

10. "DEMS" means any digital evidence management system.

11. "RFP" means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. "And" and "or" have the broadest meaning possible.

13. "Any" and "all" mean "each and every," and have the broadest meaning possible.

14. "Communication" means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. "Concerning," "Relating to," and "Regarding," mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising,

containing, describing, dealing with, evidencing, identifying, involving, reporting on, relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

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the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege

or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to

show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Memphis Police Department 170 N. Main Street Memphis, TN 38103</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Alex Ansaldo, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 3, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Memphis Police Department,” “you,” or “your” each means Memphis Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. “BWC” means any body-worn camera.

10. “DEMS” means any digital evidence management system.

11. “RFP” means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. “And” and “or” have the broadest meaning possible.

13. “Any” and “all” mean “each and every,” and have the broadest meaning possible.

14. “Communication” means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of

any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM PUBLIC

Provided by the Secretary of the Federal Trade Commission, and Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>County of Miami Dade 111 NW 1st Street, Suite 1300 Miami, FL 33128</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Alex Ansaldo, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “County of Miami Dade,” “you,” or “your” each means County of Miami Dade, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

employees, agents, attorneys, or other representatives acting on the person's behalf.

6. This "Action" or "Litigation" means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. "Transaction" means Axon's acquisition of Viewu.

8. "Investigation" means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. "BWC" means any body-worn camera.

10. "DEMS" means any digital evidence management system.

11. "RFP" means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. "And" and "or" have the broadest meaning possible.

13. "Any" and "all" mean "each and every," and have the broadest meaning possible.

14. "Communication" means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. "Concerning," "Relating to," and "Regarding," mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising,

containing, describing, dealing with, evidencing, identifying, involving, reporting on, relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with

the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege

or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to

show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Nashville Police Department 1417 Murfreesboro Pike Nashville, TN 37217</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Nicole Lindquist, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Nashville Police Department,” “you,” or “your” each means Nashville Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. “BWC” means any body-worn camera.

10. “DEMS” means any digital evidence management system.

11. “RFP” means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. “And” and “or” have the broadest meaning possible.

13. “Any” and “all” mean “each and every,” and have the broadest meaning possible.

14. “Communication” means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-

page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege or protection claimed;
- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process)

that is being claimed with respect to each category of documents;

- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>New York City Police Department 1 Police Plaza New York, NY 10007</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Alex Ansaldo, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
-------------	---------------------------------------

GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “New York City Police Department,” “you,” or “your” each means New York City Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members,

employees, agents, attorneys, or other representatives acting on the person's behalf.

6. This "Action" or "Litigation" means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. "Transaction" means Axon's acquisition of Viewu.

8. "Investigation" means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. "BWC" means any body-worn camera.

10. "DEMS" means any digital evidence management system.

11. "RFP" means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. "And" and "or" have the broadest meaning possible.

13. "Any" and "all" mean "each and every," and have the broadest meaning possible.

14. "Communication" means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. "Concerning," "Relating to," and "Regarding," mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising,

containing, describing, dealing with, evidencing, identifying, involving, reporting on, relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with

the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege

or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to

show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Oakland Police Department 455 7th Street Oakland, CA 94607</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Steve Wilensky, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Oakland Police Department,” “you,” or “your” each means Oakland Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. “BWC” means any body-worn camera.

10. “DEMS” means any digital evidence management system.

11. “RFP” means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. “And” and “or” have the broadest meaning possible.

13. “Any” and “all” mean “each and every,” and have the broadest meaning possible.

14. “Communication” means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

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18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of

any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

1. TO

Orlando Police Department
1250 West South Street
Orlando, FL 32805

2. FROM

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION

Federal Trade Commission
c/o Jennifer Milici, Esq.
400 7th St SW
Washington, DC 20024

4. MATERIAL WILL BE PRODUCED TO

Steve Wilensky, Esq. or designee

5. DATE AND TIME OF PRODUCTION

March 10, 2020 by 5:00 pm

6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

8. ADMINISTRATIVE LAW JUDGE

The Honorable D. Michael Chappell

Federal Trade Commission
Washington, D.C. 20580

9. COUNSEL AND PARTY ISSUING SUBPOENA

April Tabor
Acting Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

DATE SIGNED

SIGNATURE OF COUNSEL ISSUING SUBPOENA

GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A**REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34**

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Orlando Police Department,” “you,” or “your” each means Orlando Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. “BWC” means any body-worn camera.

10. “DEMS” means any digital evidence management system.

11. “RFP” means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. “And” and “or” have the broadest meaning possible.

13. “Any” and “all” mean “each and every,” and have the broadest meaning possible.

14. “Communication” means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of

any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>City of Phoenix 200 W. Washington St. 13th Floor Phoenix, AZ 85003</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Merrick Pastore, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “City of Phoenix,” “you,” or “your” each means City of Phoenix, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

employees, agents, attorneys, or other representatives acting on the person's behalf.

6. This "Action" or "Litigation" means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. "Transaction" means Axon's acquisition of Viewu.

8. "Investigation" means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. "BWC" means any body-worn camera.

10. "DEMS" means any digital evidence management system.

11. "RFP" means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. "And" and "or" have the broadest meaning possible.

13. "Any" and "all" mean "each and every," and have the broadest meaning possible.

14. "Communication" means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. "Concerning," "Relating to," and "Regarding," mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising,

containing, describing, dealing with, evidencing, identifying, involving, reporting on, relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with

the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege

or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to

show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

1. TO

Prince George's County Police Department
7600 Barlowe Road
Palmer Park, MD 20785

2. FROM

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

3. PLACE OF PRODUCTION

Federal Trade Commission
c/o Jennifer Milici, Esq.
400 7th St SW
Washington, DC 20024

4. MATERIAL WILL BE PRODUCED TO

Z. Lily Rudy, Esq. or designee

5. DATE AND TIME OF PRODUCTION

March 10, 2020 by 5:00 pm

6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

8. ADMINISTRATIVE LAW JUDGE

The Honorable D. Michael Chappell

Federal Trade Commission
Washington, D.C. 20580

9. COUNSEL AND PARTY ISSUING SUBPOENA

April Tabor
Acting Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

DATE SIGNED

SIGNATURE OF COUNSEL ISSUING SUBPOENA

GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

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This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

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I. DEFINITIONS

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1. “Prince George’s County Police Department,” “you,” or “your” each means Prince George’s County Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members,

employees, agents, attorneys, or other representatives acting on the person's behalf.

6. This "Action" or "Litigation" means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. "Transaction" means Axon's acquisition of Viewu.

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9. "BWC" means any body-worn camera.

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12. "And" and "or" have the broadest meaning possible.

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15. "Concerning," "Relating to," and "Regarding," mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising,

containing, describing, dealing with, evidencing, identifying, involving, reporting on, relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

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the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege

or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to

show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Salt Lake City Police Department 475 South 300 East Salt Lake City, UT 84111</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Alex Ansaldo, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
--	--

DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Salt Lake City Police Department,” “you,” or “your” each means Salt Lake City Police Department, and its agencies, departments, officers, employees, agents and representatives.

2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.

3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.

4. “Viewu” means Viewu, LLC.

5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity.

The acts of a person shall include the acts of directors, officers, owners, members,

employees, agents, attorneys, or other representatives acting on the person's behalf.

6. This "Action" or "Litigation" means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. "Transaction" means Axon's acquisition of Viewu.

8. "Investigation" means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. "BWC" means any body-worn camera.

10. "DEMS" means any digital evidence management system.

11. "RFP" means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. "And" and "or" have the broadest meaning possible.

13. "Any" and "all" mean "each and every," and have the broadest meaning possible.

14. "Communication" means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. "Concerning," "Relating to," and "Regarding," mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising,

containing, describing, dealing with, evidencing, identifying, involving, reporting on, relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with

the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege

or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to

show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>San Antonio Police Department 315 S. Santa Rosa Avenue San Antonio, TX 78207</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Z. Lily Rudy, Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “San Antonio Police Department,” “you,” or “your” each means San Antonio Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members,

employees, agents, attorneys, or other representatives acting on the person's behalf.

6. This "Action" or "Litigation" means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. "Transaction" means Axon's acquisition of Viewu.

8. "Investigation" means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. "BWC" means any body-worn camera.

10. "DEMS" means any digital evidence management system.

11. "RFP" means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. "And" and "or" have the broadest meaning possible.

13. "Any" and "all" mean "each and every," and have the broadest meaning possible.

14. "Communication" means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. "Concerning," "Relating to," and "Regarding," mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising,

containing, describing, dealing with, evidencing, identifying, involving, reporting on, relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

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17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with

the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege

or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to

show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)



SUBPOENA DUCES TECUM

PUBLIC

Provided by the Secretary of the Federal Trade Commission, and
Issued Pursuant to Commission Rule 3.34(b), 16 C.F.R. § 3.34(b)(2010)

<p>1. TO</p> <p>Seattle Police Department 610 Fifth Avenue Seattle, WA 98104</p>	<p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
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This subpoena requires you to produce and permit inspection and copying of designated books, documents (as defined in Rule 3.34(b)), or tangible things, at the date and time specified in Item 5, and at the request of Counsel listed in Item 9, in the proceeding described in Item 6.

<p>3. PLACE OF PRODUCTION</p> <p>Federal Trade Commission c/o Jennifer Milici, Esq. 400 7th St SW Washington, DC 20024</p>	<p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Nicole Lindquist Esq. or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 pm</p>
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6. SUBJECT OF PROCEEDING

In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents & materials responsive to the attached Subpoena Duces Tecum Requests for Production

<p>8. ADMINISTRATIVE LAW JUDGE</p> <p>The Honorable D. Michael Chappell</p> <p>Federal Trade Commission Washington, D.C. 20580</p>	<p>9. COUNSEL AND PARTY ISSUING SUBPOENA</p> <p>April Tabor Acting Secretary Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580</p>
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DATE SIGNED	SIGNATURE OF COUNSEL ISSUING SUBPOENA
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GENERAL INSTRUCTIONS

APPEARANCE

The delivery of this subpoena to you by any method prescribed by the Commission's Rules of Practice is legal service and may subject you to a penalty imposed by law for failure to comply.

MOTION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any motion to limit or quash this subpoena must comply with Commission Rule 3.34(c), 16 C.F.R. § 3.34(c), and in particular must be filed within the earlier of 10 days after service or the time for compliance. The original and ten copies of the petition must be filed before the Administrative Law Judge and with the Secretary of the Commission, accompanied by an affidavit of service of the document upon counsel listed in Item 9, and upon all other parties prescribed by the Rules of Practice.

TRAVEL EXPENSES

The Commission's Rules of Practice require that fees and mileage be paid by the party that requested your appearance. You should present your claim to counsel listed in Item 9 for payment. If you are permanently or temporarily living somewhere other than the address on this subpoena and it would require excessive travel for you to appear, you must get prior approval from counsel listed in Item 9.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCRulesofPractice>. Paper copies are available upon request.

This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

ATTACHMENT A

REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO 16 C.F.R. § 3.34

In accordance with the Rules of Practice for Adjudicative Proceedings (16 C.F.R. § 3.1 *et seq.*), Complaint Counsel requests the following documents and things be produced in accordance with the Definitions and Instructions below, on the date and location indicated in the accompanying *Subpoena Duces Tecum* or at such other time and place as you and Complaint Counsel shall mutually agree.

I. DEFINITIONS

These requests incorporate, the following definitions and instructions whether upper or lower case letters are used:

1. “Seattle Police Department,” “you,” or “your” each means Seattle Police Department, and its agencies, departments, officers, employees, agents and representatives.
2. “FTC” means the Federal Trade Commission, including without limitation all of its employees, agents, representatives, attorneys, or anyone else acting or who has acted on its behalf.
3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, employees, agents, and representatives.
4. “Viewu” means Viewu, LLC.
5. “Person” or “Persons” mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a person shall include the acts of directors, officers, owners, members, employees, agents, attorneys, or other representatives acting on the person’s behalf.

6. This “Action” or “Litigation” means the above-referenced action, Docket No. 9389, currently pending before the Federal Trade Commission Office of Administrative Law Judges.

7. “Transaction” means Axon’s acquisition of Viewu.

8. “Investigation” means any inquiry regarding the Transaction conducted by the FTC or any other government entity.

9. “BWC” means any body-worn camera.

10. “DEMS” means any digital evidence management system.

11. “RFP” means any request for proposal, including but not limited to any request for information, invitation to bid, request for quotation, request for application, request for tender, sole source request, or direct purchase relating to BWCs or DEMS you issued from January 1, 2010 to the present.

12. “And” and “or” have the broadest meaning possible.

13. “Any” and “all” mean “each and every,” and have the broadest meaning possible.

14. “Communication” means all modes of conveying information, including but not limited to telephone calls, e-mails and all other forms of electronic communication and electronic messaging, letters, conversations, interviews, meetings, hearings, and other written, electronic, or spoken language or graphics between two or more persons, however transmitted or stored.

15. “Concerning,” “Relating to,” and “Regarding,” mean analyzing, alluding to, concerning, considering, commenting on, consulting, comprising, containing, describing, dealing with, evidencing, identifying, involving, reporting on,

relating to, reflecting, referring to, studying, mentioning, or pertaining to, in whole or in part.

16. “Document” (or “documents”) is defined as broadly as that term is construed under Rule 34 of the Federal Rules of Civil Procedure, and is meant to include, but is not limited to, all tangible and intangible modes of communicating, conveying or providing any information such as writings, correspondence, communications, notes, letters, memoranda, drawings, graphs, charts, photographs, discs, computer recordings, electronic mail, spreadsheets, data, databases, and any other data compilations from which information can be obtained.

II. INSTRUCTIONS

17. Provide all responsive documents in your possession, custody, or control or in the possession, custody, or control of your representatives and agents.

18. For each request, you are to produce entire documents including all attachments, enclosures, cover letters, memoranda and appendices. Copies that differ in any respect from an original (because, by way of example only, handwritten or printed notations have been added) shall be treated as separate documents and produced separately. Each draft of a document is a separate document. A request for a document shall be deemed to include a request for any and all transmittal sheets, cover letters, exhibits, enclosures or attachments to the document, in addition to the document itself. For those documents written in a language other than English, please translate the document into English and produce the foreign language document with the English translation attached thereto.

19. Provide all electronically stored information (“ESI”) in standard, single-page Group IV TIFF format with searchable text and metadata in a Concordance or similar load file. Also, provide any spreadsheet or presentation files, including Microsoft Access, Excel, and PowerPoint files, as well as audio, audiovisual, and video files, in their native formats. Provide all hard copy documents as image files with searchable OCR text and unitize the hard copy documents to the extent possible (i.e., multi-page documents shall be produced as a single document and not as several single-page documents). Hard copy documents shall be produced as they are kept, reflecting attachment relationships between documents and information about the file folders within which the document is found. Produce the metadata for any responsive ESI with the responsive data, including the following fields: custodian, author(s), recipient(s), copy recipient(s), blind copy recipient(s), subject, file sent date/time, file creation date/time, file modification date/time, file last accessed data/time, beginning bates, ending bates, parent beginning bates, attachment(s) beginning bates, hash value, application type, file type, file name, file size, file path, and folder path. Documents produced in native format shall be accompanied by a native link field.

20. Where a claim of privilege or other protection from discovery is asserted in objecting to any request or sub-part thereof, and any document is withheld (in whole or in part) on the basis of such assertion, you shall provide a categorical privilege log in Microsoft Excel format that identifies:

- (a) Categories of documents that you are withholding, including a description of each category containing sufficient information to identify the general subject matter of the documents in the category and to enable Complaint Counsel to assess the applicability of the privilege or protection claimed;

- (b) The nature of the privilege or protection from discovery (including but not limited to attorney-client, work product, and deliberative process) that is being claimed with respect to each category of documents;
- (c) The types of documents (i.e., letters, memoranda, presentations) in each category;
- (d) The date range for each category of documents;
- (e) The total number of documents withheld, and the total number of documents withheld in each category.

Submit all non-privileged portions of any responsive document (including non-privileged or redactable attachments, enclosures, cover letters, and cover emails) for which a claim of privilege is asserted, noting where redactions to the document have been made. Complaint Counsel reserves the right to seek a privilege log identifying and describing each document withheld from production on grounds of a privilege or other protection from discovery or disclosure.

21. If you assert that part of the request is objectionable, respond to the remaining parts of the request to which you do not object. For those portions of any document request to which you object, please state the reasons for such objection and describe the documents or categories of documents that are not being produced.

22. These document requests shall not be deemed to call for identical copies of documents. "Identical" means precisely the same in all respects; for example, a document with handwritten notes or editing marks shall not be deemed identical to one without such notes or marks.

23. The documents responsive to these requests are to be produced as they were kept in the ordinary course of business and are to be labeled in such a way as to show which files and offices they came from.

24. The specificity of any single request shall not limit the generality of

any other request.

25. Unless clearly indicated otherwise: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; (b) the use of the feminine, masculine, or neuter genders shall include all genders; and (c) the singular form of a word shall include the plural and vice versa.

26. If, after responding, you obtain or become aware of any further information responsive to these Requests for Production, you are required to supplement the responses and provide Complaint Counsel with such additional information as required under 16 C.F.R. § 3.31.

27. Unless otherwise stated in the definitions or the requests, the relevant time period for the requests is January 1, 2015 through the present.

REQUESTS FOR PRODUCTION

1. All RFPs for BWCs and/or DEMS you issued from January 1, 2010 to the present.
2. All preliminary, interim, or final assessments of all bids submitted in response to any RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present, including scores, analyses, rankings, or other methods for comparing or evaluating those bids, as well as any presentations, memoranda, or other documents containing such assessments.
3. All initial, amended, modified, and final bids submitted by individuals or entities other than Axon in response to each RFP for BWCs and/or DEMS you issued from January 1, 2010 to the present.
4. Executed copies of all agreements between you and any individual or entity other than Axon relating to the provision or supply of BWCs and/or DEMS, including any renewal, extension, amendment, alteration, modification or termination of such agreement.
5. Documents sufficient to show actual or estimated costs, efforts, or compatibility issues that could be associated with switching from one BWC and/or DEMS provider to another, including any complaints or concerns about transitioning from VieVu to Axon.
6. All formal or informal evaluations of any field test, field experience, or demonstration or pilot projects involving BWCs and/or DEMS including, without limitation, any officer complaints, concerns, or reactions to those products and services.
7. All documents relating to any complaints, problems, or concerns you had or have with any of provider's BWC or DEMS products and services, including all documents relating to your knowledge, reaction, and/or response to an October 2018 incident in which a Vievu camera caught fire while being worn by a New York City Police officer, or any other incident involving fires, swelling, or overheating of a provider's BWC.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Vievu.

CERTIFICATION

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that this response to the Subpoena *Duces Tecum* is complete and correct to the best of my knowledge and belief.

(Signature of Official)

(Title/Company)

(Typed Name of Above Official)

(Office Telephone)

EXHIBIT E

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF THE ADMINISTRATIVE LAW JUDGES

In the Matter of

**Axon Enterprise, Inc.
a corporation;**

and

**Safariland, LLC,
a corporation.**

DOCKET NO. 9389

COMPLAINT COUNSEL’S AMENDED PRELIMINARY WITNESS LIST

This list designates the fact witnesses whom Complaint Counsel currently contemplates calling to testify, by deposition and/or investigational hearing transcript, declaration, or orally by live witness, at the hearing in this matter based on the information available to us at this time. Discovery is ongoing and that discovery will likely have an impact on our final witness list. Subject to the limitations in the Scheduling Order entered in this action, Complaint Counsel reserves the right:

- A. To present testimony, by deposition and/or investigational hearing transcript, declaration, or orally by live witness, from any other person who has been or may be identified by Respondents as a potential witness in this matter;
- B. For any individual Party or non-Party witness listed below, to substitute the Rule 3.33(c)(1) witness designated by that Party or non-Party in response to a Rule 3.33(c)(1) notice;
- C. To present testimony by deposition transcript of any person identified by a Party or non-Party as a Rule 3.33(c)(1) representative of that Party or non-Party pursuant to a Rule 3.33(c)(1) notice served by Complaint Counsel or Respondents;
- D. To call the custodian of records of any non-Party from whom documents or records have been obtained – specifically including, but not limited to, those non-Parties listed below – to the extent necessary for the admission of documents or deposition or investigational hearing testimony into evidence in the event a stipulation cannot be reached concerning the admissibility of such documents or testimony;
- E. To supplement this list in light of the fact that discovery in this matter is ongoing;

- F. To call any other person from the organizations in the list below whom Complaint Counsel identifies in discovery as a person with testimony relevant to this matter, either to supplement the testimony of, or as a substitute for, the named individual from that organization.
- G. Not to call at the hearing any of the persons listed below, as circumstances may warrant;
- H. To question the persons listed about any other topics that the person testified about at his or her deposition or investigational hearing, or about any matter that is discussed in documents to which the person had access and which have not yet been produced;
- I. To question the persons listed about any topics that are the subjects of testimony by witnesses called by Respondents;
- J. To call any witnesses to rebut the testimony of witnesses proffered by Respondents; and
- K. To call any of these or any unnamed witnesses for rebuttal testimony.

Subject to these reservations of rights, Complaint Counsel's preliminary list of witnesses is as follows:

1. **Hadeel Abdelmageed:** Ms. Abdelmageed is Director of Programs at Axon and former employee of Safariland. We expect Ms. Abdelmageed will testify about Safariland's purchase of VieVu, Safariland's operation of VieVu, all aspects of the alleged failing firm claims in this case, the Body Worn Camera System ("BWC System") industry, as well as Axon's acquisition of VieVu, research and development, company finances, company strategy, sales, customers, competition in the BWC System market, post-acquisition actions, efficiencies, VieVu's products, and Axon's products. We further expect Ms. Abdelmageed to testify about the agreements between Safariland and Axon, including but not limited to non-solicitation agreements, non-compete agreements, and holster supply agreements. We further expect Ms. Abdelmageed will testify about matters raised or discussed in her deposition, if she is deposed, and other matters relevant to the allegations of the Complaint, the Answer, Respondents' affirmative defenses, or the remedy to be entered in this case.
2. **Jawad Ahsan:** Mr. Ahsan is the Chief Financial Officer at Axon. We expect Mr. Ahsan will testify about the BWC System industry, as well as Axon's acquisition of VieVu, research and development, company finances, company strategy, sales, customers, competition in the BWC System market, post-acquisition actions, efficiencies, and Axon's products. We further expect Mr. Ahsan to testify about the agreements between Safariland and Axon, including but not limited to non-solicitation agreements, non-compete agreements, and holster supply agreements. We further expect Mr. Ahsan will testify about matters raised or discussed in his

deposition, if he is deposed, and other matters relevant to the allegations of the Complaint, the Answer, Respondents' affirmative defenses, or the remedy to be entered in this case.

3. **Blaine Browsers:** Mr. Browsers is the Chief Financial Officer at Safariland. We expect Mr. Browsers, or such other person from the organization with knowledge of these topics, will testify about Safariland's purchase of VieVu, Safariland's operation of VieVu, all aspects of the alleged failing firm claims in this case, the BWC System industry, as well as Axon's acquisition of VieVu, research and development, company finances, company strategy, sales, customers, competition in the BWC System market, efficiencies, and VieVu's products. We further expect Mr. Browsers to testify about the agreements between Safariland and Axon, including but not limited to non-solicitation agreements, non-compete agreements, and holster supply agreements. We further expect Mr. Browsers will testify about matters raised or discussed in his deposition, if he is deposed, and other matters relevant to the allegations of the Complaint, the Answer, Respondents' affirmative defenses, or the remedy to be entered in this case.
4. **Scott Harris:** Mr. Harris is a former employee of Safariland and held the position of the Chief Financial Officer. We expect Mr. Harris will testify about Safariland's purchase of VieVu, Safariland's operation of VieVu, all aspects of the alleged failing firm claims in this case, the BWC System industry, as well as Axon's acquisition of VieVu, research and development, company finances, company strategy, sales, customers, competition in the BWC System market, efficiencies, and VieVu's products. We further expect Mr. Harris to testify about the agreements between Safariland and Axon, including but not limited to non-solicitation agreements, non-compete agreements, and holster supply agreements. We further expect Mr. Harris will testify about matters raised or discussed in his deposition, if he is deposed, and other matters relevant to the allegations of the Complaint, the Answer, Respondents' affirmative defenses, or the remedy to be entered in this case.
5. **Joshua Isner:** Mr. Isner is the Chief Revenue Officer at Axon. We expect Mr. Isner will testify about the BWC System industry, as well as Axon's acquisition of VieVu, research and development, company finances, company strategy, sales, customers, competition in the BWC System market, post-acquisition actions, efficiencies, and Axon's products. We further expect Mr. Isner to testify about the agreements between Safariland and Axon, including but not limited to non-solicitation agreements, non-compete agreements, and holster supply agreements. We further expect Mr. Isner will testify about matters raised or discussed in his investigational hearing and deposition, if he is deposed, and other matters relevant to the allegations of the Complaint, the Answer, Respondents' affirmative defenses, or the remedy to be entered in this case.
6. **Andrea James:** Ms. James is the VP of Investor Relations and Corporate Strategy at Axon. We expect Ms. James will testify about the BWC System industry, as well as Axon's acquisition of VieVu, research and development,

company finances, company strategy, sales, customers, competition in the BWC System market, post-acquisition actions, efficiencies, and Axon's products. We further expect Ms. James to testify about the agreements between Safariland and Axon, including but not limited to non-solicitation agreements, non-compete agreements, and holster supply agreements. We further expect Ms. James will testify about matters raised or discussed in her deposition, if she is deposed, and other matters relevant to the allegations of the Complaint, the Answer, Respondents' affirmative defenses, or the remedy to be entered in this case.

7. **David Kingston:** Mr. Kingston is a former employee of Safariland and held the positions of Director of Strategy and Integration and General Manager of VieVu and Vice President. We expect Mr. Kingston will testify about Safariland's purchase of VieVu, Safariland's operation of VieVu, all aspects of the alleged failing firm claims in this case, the BWC System industry, as well as Axon's acquisition of VieVu, research and development, company finances, company strategy, sales, customers, competition in the BWC System market, efficiencies, and VieVu's products. We further expect Mr. Kingston to testify about the agreements between Safariland and Axon, including but not limited to non-solicitation agreements, non-compete agreements, and holster supply agreements. We further expect Mr. Kingston will testify about matters raised or discussed in his deposition, if he is deposed, and other matters relevant to the allegations of the Complaint, the Answer, Respondents' affirmative defenses, or the remedy to be entered in this case.
8. **Jonathan Kruljac:** Mr. Kruljac is Vice President of Software at Axon and former employee of Safariland. We expect Mr. Kruljac will testify about Safariland's purchase of VieVu, Safariland's operation of VieVu, all aspects of the alleged failing firm claims in this case, the BWC System industry, as well as Axon's acquisition of VieVu, research and development, company finances, company strategy, sales, customers, competition in the BWC System market, post-acquisition actions, efficiencies, VieVu's products, and Axon's products. We further expect Mr. Kruljac to testify about the agreements between Safariland and Axon, including but not limited to non-solicitation agreements, non-compete agreements, and holster supply agreements. We further expect Mr. Kruljac will testify about matters raised or discussed in his deposition, if he is deposed, and other matters relevant to the allegations of the Complaint, the Answer, Respondents' affirmative defenses, or the remedy to be entered in this case.
9. **Luke Larson:** Mr. Larson is the President of Axon. We expect Mr. Larson will testify about the BWC System industry, as well as Axon's acquisition of VieVu, research and development, company finances, company strategy, sales, customers, competition in the BWC System market, post-acquisition actions, efficiencies, and Axon's products. We further expect Mr. Larson to testify about the agreements between Safariland and Axon, including but not limited to non-solicitation agreements, non-compete agreements, and holster supply agreements. We further expect Mr. Larson will testify about matters raised or discussed in his investigational hearing and deposition, if he is deposed, and other matters relevant

to the allegations of the Complaint, the Answer, Respondents' affirmative defenses, or the remedy to be entered in this case.

10. **Sean McCarthy:** Mr. McCarthy is a former employee of Safariland and held the position Vice President and General Manager of VieVu and Vice President of Strategy and Integration at Safariland. Mr. McCarthy was also an employee of Axon after the acquisition. We expect Mr. McCarthy will testify about Safariland's purchase of VieVu, Safariland's operation of VieVu, all aspects of the alleged failing firm claims in this case, the BWC System industry, as well as Axon's acquisition of VieVu, research and development, company finances, company strategy, sales, customers, competition in the BWC System market, post-acquisition actions, efficiencies, VieVu's products and Axon's products. We further expect Mr. McCarthy to testify about the agreements between Safariland and Axon, including but not limited to non-solicitation agreements, non-compete agreements, and holster supply agreements. We further expect Mr. McCarthy will testify about matters raised or discussed in his investigational hearing and deposition, if he is deposed, and other matters relevant to the allegations of the Complaint, the Answer, Respondents' affirmative defenses, or the remedy to be entered in this case.
11. **Joseph Pioli:** Mr. Pioli is a former employee of Safariland and held the Vice President of Key Accounts and Implementation. We expect Mr. Pioli will testify about Safariland's purchase of VieVu, Safariland's operation of VieVu, all aspects of the alleged failing firm claims in this case, the BWC System industry, as well as Axon's acquisition of VieVu, research and development, company finances, company strategy, sales, customers, competition in the BWC System market, efficiencies, and VieVu's products. We further expect Mr. Pioli to testify about the agreements between Safariland and Axon, including but not limited to non-solicitation agreements, non-compete agreements, and holster supply agreements. We further expect Mr. Pioli, will testify about matters raised or discussed in his deposition, if he is deposed, and other matters relevant to the allegations of the Complaint, the Answer, Respondents' affirmative defenses, or the remedy to be entered in this case.
12. **Karl Shulz:** Mr. Shulz is Vice President of In-Market Products at Axon. We expect Mr. Shulz will testify the BWC System industry, as well as Axon's acquisition of VieVu, research and development, company finances, company strategy, sales, customers, competition in the BWC System market, post-acquisition actions, efficiencies, and Axon's products. We further expect Mr. Shulz to testify about the agreements between Safariland and Axon, including but not limited to non-solicitation agreements, non-compete agreements, and holster supply agreements. We further expect Mr. Shulz will testify about matters raised or discussed in his deposition, if he is deposed, and other matters relevant to the allegations of the Complaint, the Answer, Respondents' affirmative defenses, or the remedy to be entered in this case.

13. **Rick Smith:** Mr. Smith is the Founder and Chief Executive Officer at Axon. We expect Mr. Smith will testify about the BWC System industry, as well as Axon's acquisition of VieVu, research and development, company finances, company strategy, sales, customers, competition in the BWC System market, post-acquisition actions, efficiencies, and Axon's products. We further expect Mr. Smith to testify about the agreements between Safariland and Axon, including but not limited to non-solicitation agreements, non-compete agreements, and holster supply agreements. We further expect Mr. Smith will testify about matters raised or discussed in his investigational hearing and deposition, if he is deposed, and other matters relevant to the allegations of the Complaint, the Answer, Respondents' affirmative defenses, or the remedy to be entered in this case.
14. **Bryan Wheeler:** Mr. Wheeler is Vice President, Head of Axon Records, at Axon. We expect Mr. Wheeler will testify about the BWC System industry, as well as Axon's acquisition of VieVu, research and development, company finances, company strategy, sales, customers, competition in the BWC System market, post-acquisition actions, efficiencies, and Axon's products. We further expect Mr. Wheeler to testify about the agreements between Safariland and Axon, including but not limited to non-solicitation agreements, non-compete agreements, and holster supply agreements. We further expect Mr. Wheeler will testify about matters raised or discussed in his deposition, if he is deposed, and other matters relevant to the allegations of the Complaint, the Answer, Respondents' affirmative defenses, or the remedy to be entered in this case.
15. **Jason Wine:** Mr. Wine is a former employee of Safariland and held the position Vice President of Engineering and Technology at VieVu. We expect Mr. Wine will testify about Safariland's purchase of VieVu, Safariland's operation of VieVu, all aspects of the alleged failing firm claims in this case, the BWC System industry, as well as Axon's acquisition of VieVu, research and development, company finances, company strategy, sales, customers, competition in the BWC System market, efficiencies, and VieVu's products. We further expect Mr. Wine to testify about the agreements between Safariland and Axon, including but not limited to non-solicitation agreements, non-compete agreements, and holster supply agreements. We further expect Mr. Wine will testify about matters raised or discussed in his deposition, if he is deposed, and other matters relevant to the allegations of the Complaint, the Answer, Respondents' affirmative defenses, or the remedy to be entered in this case.
16. **Mahbubul Alam Ali:** Mr. Ali is Appointed Vice President of Motorola Solutions, Inc. We expect Mr. Ali, or such other person from the organization with knowledge of these topics, will testify about the BWC System industry, any effort by the company to purchase VieVu from Safariland, as well as the sales, customers, and competition in the U.S. BWC System market. We also expect Mr. Ali to testify about the sales, operations, and Motorola's BWC System products, as well as Motorola's acquisition of WatchGuard. We further expect Mr. Ali will testify about matters raised or discussed in his declaration, if the witness provided one, and deposition, if he is deposed.

17. **Paul Bazzano:** Mr. Bazzano was Director of Sales and Marketing for Public Safety Solutions of Panasonic Corporation of North America. We expect Mr. Bazzano, or such other person from the organization, including its joint venture Panasonic i-PRO Sensing Solutions Corporation of America, with knowledge of these topics, will testify about the BWC System industry, any effort by the company to purchase VieVu from Safariland, as well as the sales, customers, and competition in the U.S. BWC System market. We also expect Mr. Bazzano to testify about the sales, operations, and Panasonic/i-PRO's BWC System products. We further expect Mr. Bazzano will testify about matters raised or discussed in his declaration, if the witness provided one, and deposition, if he is deposed.
18. **Randy Browning:** Mr. Browning is the Information Technology Manager at the City of Durham Police Department. We expect Mr. Browning, or such other person from the organization with knowledge of these topics, will testify about the needs, experiences, uses, and purchasing of Body Worn Camera Systems for Durham Police Department, as well as competition in the BWC Systems market. We also expect Mr. Browning will testify about matters raised or discussed in his declaration, if the witness provided one, and deposition, if he is deposed.
19. **Jason Campbell:** Chief Campbell was the Administration Bureau Chief of the Long Beach Police Department. We expect Chief Campbell, or such other person from the organization with knowledge of these topics, will testify about the needs, experiences, uses, and purchasing of Body Worn Camera Systems for Long Beach Police Department, as well as competition in the BWC Systems market. We also expect Chief Campbell will testify about matters raised or discussed in his declaration, if the witness provided one, and deposition, if he is deposed.
20. **Jim Campion:** Mr. Campion was the Deputy Finance Director for the City of Phoenix. We expect Mr. Campion, or such other person from the organization with knowledge of these topics, will testify about the needs, experiences, uses, and purchasing of BWC Systems for the City of Phoenix, as well as competition in the BWC Systems market. We also expect Mr. Campion will testify about matters raised or discussed in his declaration, if the witness provided one, and deposition, if he is deposed.
21. **Paul Figueroa:** Captain Figueroa is a Captain of Police with the Oakland Police Department. We expect Captain Figueroa, or such other person from the organization with knowledge of these topics, will testify about the needs, experiences, uses, and purchasing of BWC Systems for Oakland Police Department, as well as competition in the BWC Systems market. We also expect Captain Figueroa will testify about matters raised or discussed in his declaration, if the witness provided one, and deposition, if he is deposed.

22. **Martin Garland:** Lieutenant Garland is a Lieutenant with the Aurora Police Department. We expect Lieutenant Garland, or such other person from the organization with knowledge of these topics, will testify about the needs, experiences, uses, and purchasing of BWC Systems for Aurora Police Department, as well as competition in the BWC Systems market. We also expect Lieutenant Garland will testify about matters raised or discussed in his declaration, if the witness provided one, and deposition, if he is deposed.
23. **Tom Guzik:** Mr. Guzik is the President of Getac Video Solutions. We expect Mr. Guzik, or such other person from the organization with knowledge of these topics, will testify about the BWC System industry, any effort by the company to purchase VieVu from Safariland, as well as the sales, customers, and competition in the U.S. BWC System market. We also expect Mr. Guzik to testify about the sales, operations, and Getac's BWC System products. We also expect Mr. Guzik will testify about matters raised or discussed in his declaration, if the witness provided one, and deposition, if he is deposed.
24. **Mack Hicks:** Mr. Hicks is a Partner of Hicks Holding LLC, and owner of Utility Inc. We expect Mr. Hicks, or such other person from the organization with knowledge of these topics, will testify about the BWC System industry, any effort by the company to purchase VieVu from Safariland, as well as the sales, customers, and competition in the U.S. BWC System market. We also expect Mr. Hicks to testify about the sales, operations, and Utility's BWC System products. We further expect Mr. Hicks will testify about matters raised or discussed in his declaration, if the witness provided one, and deposition, if he is deposed.
25. **Josephine Murphy:** Ms. Murphy is a Deputy Inspector with the New York City Police Department. We expect Ms. Murphy, or such other person from the organization with knowledge of these topics, will testify about the needs, experiences, uses, and purchasing of BWC Systems for the New York City Police Department, as well as competition in the BWC Systems market. We also expect Ms. Murphy will testify about matters raised or discussed in her declaration, if the witness provided one, and deposition, if she is deposed.
26. **Santiago Pastoriza:** Mr. Pastoriza is a Procurement Contacting Officer in the procurement department for Miami-Dade County. We expect Mr. Pastoriza, or such other person from the organization with knowledge of these topics, will testify about the needs, experiences, uses, and purchasing of BWC Systems for Miami-Dade County, as well as competition in the BWC Systems market. We also expect Mr. Pastoriza will testify about matters raised or discussed in his declaration, if the witness provided one, and deposition, if he is deposed.
27. **Jeff Rinaldo:** Captain Rinaldo is a captain in the Buffalo Police Department. We expect Captain Rinaldo, or such other person from the organization with knowledge of these topics, will testify about the needs, experiences, uses, and purchasing of BWC Systems for Buffalo Police Department, as well as

competition in the BWC Systems market. We also expect Captain Rinaldo will testify about matters raised or discussed in his declaration, if the witness provided one, and deposition, if he is deposed.

28. **Robert Vanman:** Mr. Vanman was the Chief Executive Officer and Founder of WatchGuard, Inc. and is currently a Product Manager for Motorola Solutions, Inc. We expect Mr. Vanman, or such other person from the organization with knowledge of these topics, will testify about the BWC System industry, any effort by the company to purchase VieVu from Safariland, as well as the sales, customers, and competition in the U.S. BWC System market. We also expect Mr. Vanman to testify about the sales, operations, and BWC System products of WatchGuard, as well as Motorola's acquisition of WatchGuard. We further expect Mr. Vanman will testify about matters raised or discussed in his declaration, if the witness provided one, and deposition, if he is deposed.
29. **Representative from Jacksonville Sheriff's Office:** We expect a representative from the Jacksonville Sheriff's Office with knowledge of these topics, will testify about the needs, experiences, uses, and purchasing of BWC Systems for Jacksonville Sheriff's Office, as well as competition in the BWC Systems market. We also expect the representative will testify about matters raised or discussed in his/her declaration, if the witness provided one, and deposition, if he/she is deposed.
30. **Summary Witness(es) to Be Named:** Complaint Counsel reserves the right to call witness(es) who may testify regarding the foundation for any summary exhibits Complaint Counsel determines to use at trial.

Dated: February 18, 2020

By: *s/ Lily Rudy*

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Jennifer Milici
Peggy Bayer Femenella
Merrick Pastore
Bureau of Competition
Federal Trade Commission
400 7th Street, S.W.
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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2020, I caused the foregoing document to be served via email on:

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s/ Lily Rudy
Lily Rudy
Complaint Counsel
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Washington, D.C. 20024

EXHIBIT F

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF THE ADMINISTRATIVE LAW JUDGES

In the Matter of

**Axon Enterprise, Inc.
a corporation;**

and

**Safariland, LLC,
a corporation.**

DOCKET NO. 9389

**RESPONDENTS' PRELIMINARY WITNESS LIST
AND SUPPLEMENTAL INITIAL DISCLOSURES**

This list designates the fact witnesses Respondents' counsel currently contemplates calling to testify in this matter based on the information available to Respondents at this time, and supplements Respondents' initial disclosures pursuant to 16 C.F.R. § 3.31(b) & (e)(1). Discovery is ongoing and will likely have an impact on Respondents' supplemental and final witness lists. Subject to the limitations in the Scheduling Order entered in this action, Respondents reserve the right:

- A. To present testimony from any other person who has been or may be identified by Respondents as a potential witness in this matter;
- B. To substitute the Rule 3.33(c)(1) witness designated by a Party or non-Party in response to a Rule 3.33(c)(1) notice for any individual Party or non-Party witness listed below;
- C. To present testimony by deposition transcript of any person identified by a Party or non-Party as a Rule 3.33(c)(1) representative of that Party or non-Party pursuant to a Rule 3.33(c)(1) notice served by Complaint Counsel or Respondents;
- D. To call the custodian of records of any non-Party from whom documents or records have been obtained—including, but not limited to, those non-Parties listed below—to the extent necessary to move into evidence documents, deposition testimony, or investigational hearing testimony in the event a stipulation cannot be reached concerning the admissibility of such documents or testimony;
- E. To supplement this list in light of the fact that discovery in this matter is ongoing;

- F. To call any other person from the organizations in the list below whom Respondents identify as a person with testimony relevant to this matter, either to supplement the testimony of, or as a substitute for, the named individual from that organization;
- G. Not to call at the hearing any of the persons listed below, as circumstances may warrant;
- H. To question the persons listed below or on Complaint Counsel's preliminary witness list about any other topics 1) that the person testified about at his or her deposition or investigational hearing, 2) that are discussed in documents to which the person had access and which have not yet been produced; and 3) as Respondents see fit.
- I. To question the persons listed about any topics that are the subjects of testimony by witnesses called by Complaint Counsel;
- J. To call any witnesses to rebut the testimony of witnesses proffered by Complaint Counsel; and
- K. To call any of these or any unnamed witnesses for rebuttal or impeachment testimony or as summary witnesses who may testify regarding the foundation for any summary exhibits Respondents' counsel determines to use at trial.

Subject to these reservations, Respondents' preliminary witness list is as follows:

Current or Former Axon, Safariland, or Viewu Employees:

1. **Jawad Ahsan:** Mr. Ahsan is the Chief Financial Officer at Axon. We expect Mr. Ahsan will testify about Axon's acquisition of Viewu, the financial condition of Viewu, efficiencies flowing from the acquisition, and other post-acquisition events. In addition, we expect Mr. Ahsan will testify to Axon's significant investment in research and development activities generally and its investment in responding to an incident in which a Viewu BWC caught on fire while an officer was using it. We further expect Mr. Ahsan to testify about the Membership Interest Purchase and Product Development and Supplier Agreements between Safariland and Axon. We further expect Mr. Ahsan will testify about matters raised or discussed in his deposition, if taken, and other matters relevant to the allegations of the Complaint, the Answers, and Respondents' affirmative defenses.
2. **Gray Hudkins:** Mr. Hudkins is the Executive Vice President at Safariland. We expect Mr. Hudkins will testify about the BWC and DEMS industries (including research and development, products, product performance, sales, customers, and competition for BWCs and DEMS), Safariland's purchase of Viewu, Safariland's

operation of Viewu (including Viewu's sales, products, strategies, customers, operations, and costs), Viewu's strategy for bidding on BWC and DEMS contracts, Safariland's financial condition and debt obligations, Viewu's financial condition and debt obligations, Safariland's efforts to sell Viewu (including Evercore's efforts on Safariland's behalf), Axon's acquisition of Viewu (and customer reactions thereto), and other post-acquisition events. We further expect Mr. Hudkins to testify about the Membership Interest Purchase and Product Development and Supplier Agreements between Safariland and Axon. We further expect Mr. Hudkins will testify about matters raised or discussed in his investigational hearing and deposition, if taken, and other matters relevant to the allegations of the Complaint, the Answers, and Respondents' affirmative defenses.

3. **James Hillary:** Mr. Hillary is the Strategic Account Manager at Axon and formerly the Director of Sales at Viewu. We expect Mr. Hillary will testify about the BWC and DEMS industries (including research and development, products, product performance, sales, customers, and competition for BWCs and DEMS), Safariland's purchase of Viewu, Safariland's operation of Viewu (including Viewu's sales, products, strategies, customers, operations, and costs), Viewu's strategy for bidding on BWC and DEMS contracts, Safariland's financial condition, Viewu's financial condition and debts, Axon's acquisition of Viewu (and customer reactions thereto), and other post-acquisition events. We further expect Mr. Hillary will testify about matters raised or discussed in his deposition, if taken, and other matters relevant to the allegations of the Complaint, the Answers, and Respondents' affirmative defenses.
4. **Joshua Isner:** Mr. Isner is the Chief Revenue Officer at Axon. We expect Mr. Isner will testify about the BWC and DEMS industries (including research and development, products, product performance, sales, customers, and competition for BWCs and DEMS), Axon's acquisition of Viewu (and customer reactions thereto), and other post-acquisition events, including an incident in which a Viewu BWC caught on fire while an NYPD officer was using it. We further expect Mr. Isner will testify about matters raised or discussed in his investigational hearing and deposition, if taken, and other matters relevant to the allegations of the Complaint, the Answers, and Respondents' affirmative defenses.
5. **Andrea James:** Ms. James is the Vice President of Investor Relations and Corporate Strategy at Axon. We expect Ms. James will testify about the BWC and DEMS industries (including research and development, products, product performance, sales, customers, and competition for BWCs and DEMS), Axon's acquisition of Viewu (and customer reactions thereto), and other post-acquisition events. We further expect Ms. James will testify about matters raised or discussed in her deposition, if taken, and other matters relevant to the allegations of the Complaint, the Answers, and Respondents' affirmative defenses.

6. **David Kingston:** Mr. Kingston is the former General Manager of Viewu. We expect Mr. Kingston will testify about Safariland's purchase of Viewu, Safariland's operation of Viewu (including Viewu's sales, products, strategies, customers, operations, and costs), Safariland's financial condition, Viewu's financial condition and debts, and the BWC and DEMS industries (including research and development, products, product performance, sales, customers, and competition for BWCs and DEMS). We also expect Mr. Kingston will testify about matters raised or discussed in his deposition, if taken, and other matters relevant to the allegations of the Complaint, the Answers, and Respondents' affirmative defenses.
7. **Sean McCarthy:** Mr. McCarthy was the Vice President of Strategy and Integration at Safariland and the Vice President and General Manager of Viewu. Mr. McCarthy was also an employee of Axon after the acquisition. We expect Mr. McCarthy will testify about Safariland's purchase of Viewu, Safariland's operation of Viewu (including Viewu's sales, products, strategies, customers, operations, and costs), Safariland's financial condition and debt obligations, Viewu's financial condition and debts, Safariland's efforts to sell Viewu (including Evercore's efforts on Safariland's behalf), Axon's acquisition of Viewu (and customer reactions thereto), and the BWC and DEMS industries (including research and development, products, product performance, sales, customers, and competition for BWCs and DEMS). We further expect Mr. McCarthy to testify about the Membership Interest Purchase Agreement and Product Development and Supplier Agreement. We further expect Mr. McCarthy will testify about matters raised or discussed in his investigational hearing and deposition, if taken, and other matters relevant to the allegations of the Complaint, the Answers, and Respondents' affirmative defenses.
8. **Joseph Pioli:** Mr. Pioli is the former Vice President of Key Accounts at Viewu. We expect Mr. Pioli will testify about Safariland's purchase of Viewu, Safariland's operation of Viewu (including Viewu's sales, products, strategies, customers, operations, and costs), Safariland's financial condition, Viewu's financial condition and debts, and the BWC and DEMS industries (including research and development, products, product performance, sales, customers, and competition for BWCs and DEMS). We also expect Mr. Pioli will testify about matters raised or discussed in his deposition, if taken, and other matters relevant to the allegations of the Complaint, the Answers, and Respondents' affirmative defenses.
9. **Jay Reitz:** Mr. Reitz is Senior Vice President of Software Engineering at Axon. We expect Mr. Reitz will testify about the BWC and DEMS industries (including research and development, products, product performance, sales, customers, and competition for BWCs and DEMS), Axon's acquisition of Viewu (and customer reactions thereto), and other post-acquisition events. In addition, we expect Mr. Reitz will testify to Axon's significant investment in research and development activities generally and its investment in responding to an incident

in which a Viewu BWC caught on fire while an officer was using it. We further expect Mr. Reitz will testify about matters raised or discussed in his deposition, if taken, and other matters relevant to the allegations of the Complaint, the Answers, and Respondents' affirmative defenses.

10. **Karl Shulz:** Mr. Shulz is Vice President of In-Market Products at Axon. We expect Mr. Shulz will testify about the BWC and DEMS industries (including research and development, products, product performance, sales, customers, and competition for BWCs and DEMS), Axon's acquisition of Viewu (and customer reactions thereto), and other post-acquisition events. We also anticipate Mr. Shulz will testify about the New York Police Department's deployment of Viewu BWCs and DEMS, an incident in which a Viewu BWC caught on fire while an officer was using it, the City of New York Police Department (NYPD) reaction to Axon's acquisition of Viewu, and NYPD's relationship with Axon today. We further expect Mr. Shulz will testify about matters raised or discussed in his deposition, if taken, and other matters relevant to the allegations of the Complaint, the Answers, and Respondents' affirmative defenses.
11. **Rick Smith:** Mr. Smith is the Founder and Chief Executive Officer at Axon. We expect Mr. Smith will testify about the BWC and DEMS industries (including research and development, products, product performance, sales, customers, and competition for BWCs and DEMS), Axon's acquisition of Viewu (and customer reactions thereto), and other post-acquisition events. In addition, we expect Mr. Smith will testify to Axon's significant investment in research and development activities generally. We also anticipate Mr. Smith will testify about the New York Police Department's deployment of Viewu BWCs and DEMS, an incident in which a Viewu BWC caught on fire while an officer was using it, the NYPD's reaction to Axon's acquisition of Viewu, and NYPD's relationship with Axon today. We further expect Mr. Smith to testify about the Membership Interest Purchase and Product Development and Supplier Agreements between Safariland and Axon. We also expect Mr. Smith will testify about matters raised or discussed in his investigational hearing and deposition, if taken, and other matters relevant to the allegations of the Complaint, the Answers, and Respondents' affirmative defenses.
12. **Jason Wine:** Mr. Wine was the Vice President of Engineering and Technology at Viewu. We expect Mr. Wine will testify about Safariland's purchase of Viewu, Safariland's operation of Viewu (including Viewu's sales, products, strategies, customers, operations, and costs), Safariland's financial condition, Viewu's financial condition and debts, Axon's acquisition of Viewu (and customer reactions thereto), and the BWC and DEMS industries (including research and development, products, product performance, sales, customers, and competition for BWCs and DEMS). We also expect Mr. Wine will testify about matters raised or discussed in his deposition, if taken, and other matters relevant to the allegations of the Complaint, the Answers, and Respondents' affirmative defenses.

13. **Andrew Wrenn:** Mr. Wrenn was a Senior Regional Manager and National Director of Sales at Axon. We expect Mr. Wrenn will testify about the BWC and DEMS industries (including research and development, products, product performance, sales, customers, and competition for BWCs and DEMS), Axon's acquisition of Viewu, and customer reactions thereto. We further expect Mr. Wrenn will testify about matters raised or discussed in his deposition, if taken, and other matters relevant to the allegations of the Complaint, the Answers, and Respondents' affirmative defenses.

Third Party Witnesses:

14. **Dan Brodie:** Lt. Brodie is a Lieutenant with Internal Affairs at the Alameda County Sheriff's Office (ACSO). We expect Lt. Brodie to testify about ACSO's purchases, needs, experiences, and uses of BWCs and DEMS, as well as competition for those products. We also expect Lt. Brodie will testify about matters raised or discussed in any declaration and/or deposition, if taken.
15. **Dan Gomez:** Mr. Gomez is a former Lieutenant at the Los Angeles Police Department (LAPD). We expect Mr. Gomez to testify about the LAPD's requests for proposals, purchases, needs, experiences, and uses of BWCs and DEMS, as well as competition for those products. We also expect Mr. Gomez will testify about matters raised or discussed in any declaration and/or deposition, if taken.
16. **Gene Kolodin:** Mr. Kolodin is Director of Credit at Kohlberg Kravis Roberts & Co. L.P. (KKR). We expect Mr. Kolodin to testify about banking, credit, and other financial agreements or arrangements with Safariland, including those pertaining to Viewu. Mr. Kolodin is expected to testify about the financial condition of Safariland and Viewu, and any discussions or agreements concerning the sale or disposition of Viewu and/or its assets. We also expect Mr. Kolodin will testify about matters raised or discussed in any declaration and/or deposition, if taken.
17. **Juan Perez:** Director Perez was Director of the Miami-Dade Police Department (MDPD) until January of 2020. We expect Director Perez will testify about the MDPD's requests for proposals, purchases, needs, experiences and uses of BWCs and DEMS, as well as competition for those products. We further expect Director Perez will testify about the MDPD's deployment of Viewu BWCs and DEMS, Axon's acquisition of Viewu, the MDPD's reaction thereto, and MDPD's relationship with Axon today. We also expect Director Perez will testify about matters raised or discussed in any declaration and/or deposition, if taken.
18. **Christian Quinn:** Major Quinn is the Cyber Forensics Bureau Commander for the Fairfax County Police Department (FCPD). We expect Major Quinn will testify about the FCPD's requests for proposals, purchases, needs,

experiences and uses relating to BWCs and DEMS, as well as competition for those products. We also expect Major Quinn will testify about matters raised or discussed in any declaration and/or deposition, if taken.

19. **Representative of Motorola Solutions, Inc.:** We expect that a person from the organization with knowledge of these topics will testify about the BWC and DEMS industries (including research and development, products, product performance, sales, customers, and competition for BWCs and DEMS), and any discussions about purchasing Viewu from Safariland. We also expect that the representative will testify about the sales, business plans, and operations for Motorola's BWCs, DEMS, and other law enforcement products, as well as Motorola's acquisitions of WatchGuard, Vigilant, and Avtec. We further expect the representative will testify about matters raised or discussed in any declaration and/or deposition, if taken.
20. **Representative from the NYPD:** We expect a representative from the NYPD with knowledge of these topics will testify about the NYPD's requests for proposals, purchases, needs, experiences and uses of BWCs and DEMS, as well as competition for those products. We further expect the representative will testify about the NYPD's deployment of Viewu BWCs and DEMS, an incident in which a Viewu BWC caught on fire while an officer was using it, Axon's acquisition of Viewu, the NYPD's reaction thereto, and NYPD's relationship with Axon today. We also expect such representative will testify about matters raised or discussed in any declaration and/or deposition, if taken.
21. **Representative of Panasonic Corporation of North America:** We expect that a person from the organization with knowledge of these topics will testify about the BWC and DEMS industries (including research and development, products, product performance, sales, customers, and competition for BWCs and DEMS), and any discussions about purchasing Viewu from Safariland. We also expect that the representative will testify about the sales, business plans, and operations for Panasonic's BWCs, DEMS, and other law enforcement products. We further expect that the representative will testify about matters raised or discussed any declaration and/or deposition, if taken.
22. **Representative from Safe Fleet:** We expect a representative of Safe Fleet with knowledge of these topics will testify about the BWC and DEMS industries (including research and development, products, product performance, sales, customers, and competition for BWCs and DEMS). We also expect a representative from Safe Fleet to testify about the sales, business plans, and operations for Safe Fleet's BWCs, DEMS, and other law enforcement products, as well as its acquisitions of Coban and L3 Mobile-Vision, and any discussions any of these entities had about purchasing Viewu from Safariland. We further expect a Safe Fleet representative will testify about matters raised or discussed in any declaration and/or deposition, if taken.

23. **Representative of WatchGuard, Inc.:** We expect a representative of Watchguard with knowledge of these topics will testify about the BWC and DEMS industries (including research and development, products, product performance, sales, customers, and competition for BWCs and DEMS). We also expect the representative to testify about the sales, business plans, and operations for WatchGuard's BWCs, DEMS, and other law enforcement products, as well as Motorola's acquisition of WatchGuard. We further expect the representative will testify about matters raised or discussed in any declaration and/or deposition, if taken.
24. **George Speaks:** Director Speaks is the Deputy Director of Public Safety for the Columbus Police Department. We expect Director Speaks to testify about the department's requests for proposals, purchases, needs, experiences, and uses of BWCs and DEMS, as well as competition for those products. We also expect Director Speaks will testify about matters raised or discussed in any declaration and/or deposition, if taken.
25. **Jeri Williams:** Chief Williams is the Chief of the Phoenix Police Department. We expect Chief Williams will testify about the department's requests for proposals, purchases, needs, experiences, and uses of BWCs and DEMS, as well as competition for those products. We also expect that Chief Williams will testify about matters raised or discussed in any declaration and/or deposition, if taken.
26. **Ira Wolfson:** Mr. Wolfson is Senior Managing Director at Evercore. We expect Mr. Wolfson to testify about Safariland's efforts to sell Viewu, including Evercore's efforts to sell Viewu at Safariland's request. We further expect Mr. Wolfson to discuss feedback he received from companies contacted during the process and any other matters raised or discussed in his deposition, if taken.
27. **Nick Zajchowski:** Mr. Zajchowski is a Strategic Advisor with the Seattle Police Department. We expect Mr. Zajchowaski to testify about the department's requests for proposals, purchases, needs, experiences, and uses of BWCs and DEMS, as well as competition for those products. We also expect Mr. Zajchowski will testify about matters raised or discussed in any declaration and/or deposition, if taken.

[signatures on following page]

Dated: February 10, 2020

Respectfully submitted,

s/ Christine Ryu-Naya

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CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2020, I delivered via electronic mail a copy of the foregoing document to:

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Counsel for the Federal Trade Commission

Dated: February 10, 2020

s/ Julie E. McEvoy

Julie E. McEvoy

EXHIBIT G

Attachment A

PUBLIC

Contact Name	Entity	Address	Summary of Knowledge
Ray Kelly	Alameda County Sheriff's Office	1401 Lakeside Drive, 12th Floor, Oakland, CA 94612-4305	Body worn camera system purchasing
Gilbert Gallegos	Albuquerque Police Department	P.O. Box 1293 One Civic Plaza Room 7057 Albuquerque, NM 87103	Body worn camera system purchasing
Will Johnson	Arlington Police Department	Ott Cribbs Public Safety Building 620 W. Division Street Arlington, TX 76011	Body worn camera system purchasing
Erika Shields	Atlanta Police Department	226 Peachtree St SW Atlanta, GA 30303	Body worn camera system purchasing
Martin Garland	Aurora Police Department	15001 E. Alameda Parkway, Aurora, CO 80012	Body worn camera system purchasing
Brian Manley	Austin Police Department	PO Box 689001 Austin, Texas 78768-9001	Body worn camera system purchasing
Melissa R. Hyatt	Baltimore County Police Department	Public Safety Building, 700 East Joppa Road, Towson, MD 21286	Body worn camera system purchasing
Steven O'Dell	Baltimore Police Department	601 East Fayette Street Baltimore, MD 21202	Body worn camera system purchasing
John Daley	Boston Police Department	One Schroeder Plaza Roxbury Crossing, MA 02120 United States	Body worn camera system purchasing
Jeff Rinaldo	Buffalo Police Department	68 Court Street Buffalo, NY 14202	Body worn camera system purchasing
Claire Chapman	Capita PLC	30 Berners Street, London, W1T 3LR, United Kingdom	Body worn camera system business, Safariland's sale of VieVu
Mike Harris	Charlotte Mecklenburg Police Department	601 E. Trade Street Charlotte, NC 28202	Body worn camera system purchasing
Jonathan Lewin	Chicago Police Department	3510 South Michigan Avenue Chicago, IL 60653	Body worn camera system purchasing
Ryan Smith	Cincinnati Police Department	310 Ezzard Charles Drive Cincinnati, OH 45214	Body worn camera system purchasing

Jenifer Ciaccia	Cleveland Police Department	1300 Ontario St. Cleveland, OH 44113	Body worn camera system purchasing
Andrew Schmolka	Coban Technology Inc./SafeFleet	Safe Fleet 6800 East 163rd Street Belton, MO 64012	Body worn camera system business
Vincent Niski	Colorado Springs Police Department	705 S Nevada Ave Colorado Springs, CO 80903	Body worn camera system purchasing
Kim Jacobs	Columbus Police Department	120 Marconi Blvd. Columbus, OH 43215	Body worn camera system purchasing
Renee Hall	Dallas Police Department	1400 S. Lamar St. Dallas, Texas 75215	Body worn camera system purchasing
Joseph Lumpkin	DeKalb County Police Department	1300 Commerce Drive Decatur, GA 30030	Body worn camera system purchasing
Matthew Hayes	Denver Police Department	1331 Cherokee Street Denver, CO 80204	Body worn camera system purchasing
John Markovic	Department of Justice, Bureau of Justice Assistance	810 Seventh Street, NW Washington, D.C. 20531	Body worn camera system purchasing
Franklin Hayes	Detroit Police Department	1301 3rd Street Detroit, MI 48226	Body worn camera system purchasing
Stanton Ross	Digital Ally Inc.	9705 Loiret Blvd. Lenexa, KS 66219	Body worn camera system business, Safariland's sale of VieVu
Randy Browning	Durham Police Department	602 East Main Street Durham, NC 27701	Body worn camera system purchasing
Greg Allen	El Paso Police Department	911 N. Raynor El Paso, TX 79903	Body worn camera system purchasing
Edwin C. Roessler Jr.	Fairfax County Police Department	12099 Government Center Parkway Fairfax, VA 22035	Body worn camera system purchasing
Shane Harrison	FLIR Systems	FLIR Systems, Inc. 27700 SW Parkway Ave. Wilsonville, OR 97070	Safariland's sale of VieVu
Jeff Garwacki	Fort Worth Police Department	505 W. Felix St. Fort Worth, TX 76115	Body worn camera system purchasing

Andrew Hall	Fresno Police Department	2323 Mariposa Street Room 2075 Fresno, CA 93721	Body worn camera system purchasing
Darryl Halbert	Fulton County Police Department	141 Pryor St. SW Atlanta, GA 30303	Body worn camera system purchasing
Andrew Etkind	Garmin Ltd.	1200 E. 151st St. Olathe, KS 66062-3426	Safariland's sale of VieVu
Francois Touchette	Genetec	2280 Alfred-Nobel Blvd. Montreal, Quebec, Canada H4S 2A4	Safariland's sale of VieVu, Digital evidence mangement systems business
Ethan Mobley	Getac Inc.	3600 American Blvd West, Ste 460, Bloomington, MN 55431	Body worn camera system business
Nick Woodman	GoPro Inc.	3000 Clearview Way, San Mateo, CA 94402	Safariland's sale of VieVu
Jerry Su	Hexagon AB	305 Intergraph Way, Madison, AL 35758	Safariland's sale of VieVu
Brian Cook	Honeywell International Inc.	115 Tabor Rd, Morris Plains, NJ 07950	Safariland's sale of VieVu
Susan Ballard	Honolulu Police Department	801 South Beretania Street Honolulu, HI 96813	Body worn camera system purchasing
Ursula Williams	Houston Police Department	1200 Travis Street Houston, TX 77002	Body worn camera system purchasing
Vincent Talucci	International Association of Chiefs of Police	44 Canal Center Plaza #200, Alexandria, VA 22314	Body worn camera system purchasing
Sean Granat	Jacksonville Florida Sheriff's Office	501 E. Bay Street Jacksonville, FL 32202	Body worn camera system purchasing
Richard Smith	Kansas City Police Department	1200 East Linwood Kansas City, MO 64109	Body worn camera system purchasing
Tom Ridnour	Kit Carson County Sheriff's Office	251 16th Street, Suite 103, Burlington, CO 80807	Body worn camera system purchasing
David Reilly	L3 Technologies, Inc.	600 Third Avenue, New York, NY 10016	Body worn camera system business, Safariland's sale of VieVu

Corey Moon	Las Vegas Police Department	400 S. Martin L. King Blvd. Las Vegas, NV 89106	Body worn camera system purchasing
Michael Pennino	Long Beach Police Department	400 W. Broadway, Long Beach, CA 90802	Body worn camera system purchasing
Alex Villanueva	Los Angeles County Sheriff's Department	211 W Temple St, Los Angeles, CA 90012	Body worn camera system purchasing
Dan Gomez	Los Angeles Police Department	100 West 1st Street, Los Angeles, CA 90012	Body worn camera system purchasing
Steve Conrad	Louisville Police Department	633 W Jefferson Street, Louisville, KY 40202	Body worn camera system purchasing
Laura Cooper	Major Cities Chiefs Association	PO Box 8717, Salt Lake City, UT 84047	Body worn camera system purchasing
Kim Wagner	Major County Sheriffs Association	1450 Duke Street, Alexandria, VA 22314-3490	Body worn camera system purchasing
Lee Rankin	Mesa Police Department	P.O. Box 1466 Mesa, AZ 85211-1466	Body worn camera system purchasing
Leeann Turner	Metropolitan Police Department	300 Indiana Avenue, NW, Room 4125, Washington, D.C. 20001	Body worn camera system purchasing
Jorge Colina	Miami Police Department	400 NW 2nd Avenue Miami, FL 33128	Body worn camera system purchasing
Santiago A. Pastoriza	County of Miami Dade	111 NW 1st Street, Suite 1300 Miami, Florida 33128	Body worn camera system purchasing
Doug Wiorek	Milwaukee Police Department	749 W. State Street Milwaukee, WI 53233	Body worn camera system purchasing
Erick Fors	Minneapolis Police Department	350 South 5th Street, Room 130, Minneapolis, MN 55415-1389	Body worn camera system purchasing
Dinesh Patil	Montgomery County Police Department	100 Edison Park Drive Gaithersburg, MD 20878	Body worn camera system purchasing
Mahbubul Alam Ali	Motorola Inc.	The McDermott Building, 500 North Capitol Street, NW, Washington, DC 20001	Body worn camera system business, Safariland's sale of VieVu

Phil Wigger	Nashville Police Department	1417 Murfreesboro Pike Nashville, TN 37217	Body worn camera system purchasing
Stephen Palmer	Nassau County Police Department	1490 Franklin Avenue, Mineola, NY 11501	Body worn camera system purchasing
Jackson Chen	NEC Corporation of America	3929 W John Carpenter Fwy, Irving, TX 75063	Safariland's sale of VieVu
George Barlow-Brown	New Orleans Police Department	715 S Broad St, New Orleans, LA 70119	Body worn camera system purchasing
Josephine Murphy	New York City Police Department	1 Police Plaza, New York, NY 10007	Body worn camera system purchasing
Darnell Henry	Newark Police Department	480 Clinton Avenue Newark, NJ 07108	Body worn camera system purchasing
Paul Figueroa	Oakland Police Department	455 7th St Oakland, CA 94607	Body worn camera system purchasing
Jeff Becker	Oklahoma City Police Department	700 Colcord Dr Oklahoma City, OK 73102	Body worn camera system purchasing
Kerry Neumann	Omaha Police Department	505 South 15th Street Omaha, Nebraska 68102	Body worn camera system purchasing
David Billingsley	Orlando Police Department	1250 West South Street, Orlando FL 32805	Body worn camera system purchasing
Paul Bazzano	Panasonic Corporation of North America	Two Riverfront Plaza, 12th Floor, Legal, Newark, NJ 07102	Body worn camera system business
Tom McLean	Philadelphia Police Department	750 Race Street Philadelphia, PA 19106	Body worn camera system purchasing
Jim Campion	City of Phoenix	200 W. Washington St., 13th Floor Phoenix, AZ 85003	Body worn camera system purchasing
Ed Trapp	Pittsburgh Bureau of Police	1203 Western Ave Pittsburgh, PA 15233	Body worn camera system purchasing
Tammy Mayer	Portland Police Bureau	1111 S.W. 2nd Avenue Portland, OR 97204	Body worn camera system purchasing

Alan J. Lee	Prince George's County Police Department	7600 Barlowe Road, Palmer Park, MD 20785	Body worn camera system purchasing
John Maultsby	Raleigh Police Department	6716 Six Forks Road Raleigh , NC 27615	Body worn camera system purchasing
D. Victoria Baranetsky	Reveal Media Ltd.	Endeavour II Becketts Wharf Lower Teddington Road KT1 4ER Hampton Wick, Surrey United Kingdom	Safariland's sale of VieVu
Chad Bianco	Riverside County, CA Sheriff's Department	4095 Lemon Street Riverside, CA 92501	Body worn camera system purchasing
Daniel Hahn	Sacramento Police Department	5770 Freeport Blvd. Sacramento, CA 95822	Body worn camera system purchasing
Lance VanDongen	Salt Lake City Police Department	P.O. Box 145497 Salt Lake City, Utah 84114	Body worn camera system purchasing
Christopher Lutton	San Antonio Police Department	315 S Santa Rosa Ave, San Antonio, TX 78207	Body worn camera system purchasing
Todd Jarvis	San Diego Police Department	1401 Broadway, San Diego, CA 92101	Body worn camera system purchasing
Hector Sainez	San Francisco Police Department	1245 3rd Street San Francisco, CA 94158	Body worn camera system purchasing
Judi Torrico	San Jose Police Department	201 W. Mission Street, San Jose, CA 95110	Body worn camera system purchasing
Rebecca Boatright	Seattle Police Department	PO Box 34986, Seattle, WA, 98124-4986	Body worn camera system purchasing
Mary J. Warnecke	St Louis Police Department	1915 Olive St. St. Louis, MO 63103	Body worn camera system purchasing
Axel Henry	City of St. Paul	15 Kellogg Blvd. West 400 City Hall Saint Paul, MN 55102	Body worn camera system purchasing
Trevor Womack	Stockton Police Department	22 E. Market St. Stockton, CA 95202	Body worn camera system purchasing
Geraldine Hart	Suffolk County Police Department	30 Yaphank Ave, Yaphank NY 11980	Body worn camera system purchasing

Martin Gonzalez	Tampa Police Department	One Police Center 411 N. Franklin Street Tampa, FL 33602	Body worn camera system purchasing
Tim Gilder	Tucson Police Department	270 South Stone Avenue, Tucson, AZ 85701	Body worn camera system purchasing
Chuck Jordan	Tulsa Police Department	600 Civic Center, Suite 303, Tulsa, OK 74103	Body worn camera system purchasing
Mack Hicks	Hicks Holdings LLC	Chase Tower, 2200 Ross Ave #50, Dallas, TX 75201	Body worn camera system business, Safariland's sale of VieVu
Peter Wallace	Virginia Beach Police Department	2509 Princess Anne Road Virginia Beach, VA 23456	Body worn camera system purchasing
Robert Vanman	WatchGuard Inc.	Haynes & Boone LLC 800 17th Street NW Suite 500 Washington, D.C. 20006	Body worn camera system business, Safariland's sale of VieVu
Wanda Parker-Givens	Wichita Police Department	455 N Main, 4th Floor Wichita, KS 67202	Body worn camera system purchasing
Reza Arfin	Microtips Technology USA	3504 Lake Lynda Drive Ste 110, Orlando, FL, 32817	Body worn camera system manufacturing and development
Alex Demichev	iTransitions Group	3900 S. Wadsworth Blvd., Suite 485 Lakewood, CO 80235	Body worn camera system manufacturing and development
Elizabeth Ross	Periscope	921 Washington Ave. S., Minneapolis, MN 55415	Body worn camera system manufacturing and development

CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2020, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

April Tabor
Acting Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580
ElectronicFilings@ftc.gov

The Honorable D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580

I also certify that I caused the foregoing document to be served via email to:

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By: /s/ Jennifer Milici
Jennifer Milici

Counsel Supporting the Complaint

CERTIFICATE FOR ELECTRONIC FILING

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

February 19, 2020

By: /s/ Jennifer Milici
Jennifer Milici