

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

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In the Matter of )  
 )  
 Axon Enterprise, Inc. )  
 a corporation, )  
 )  
 and )  
 )  
 Safairland, LLC, )  
 a partnership, )  
 )  
 Respondents. )

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Docket No. D09389

**NON-PARTY GETAC VIDEO SOLUTIONS INC.’S  
MOTION FOR *IN CAMERA* TREATMENT**

Pursuant to 16 C.F.R. § 3.45(b) and § 4.10(g) and the Court’s January 30, 2020 and July 10, 2020 Scheduling Orders, Getac Video Solutions Inc. (“GVS”) respectfully moves this Court for *in camera* treatment of the specified portions of the attached confidential 1) competitively-sensitive business documents, 2) the September 6, 2019 declaration of Tom Guzik, President, GVS provided to the FTC and 3) the August 26, 2020 deposition transcript of Mr. Guzik. GVS produced these documents, among others, and Mr. Guzik testified in response to third-party document and testimony subpoenas in this matter.

The Federal Trade Commission (“FTC”) and Axon Enterprise, Inc. (“Axon”) have notified GVS they intend to introduce these documents and the Guzik deposition transcript into evidence in this matter. For the reasons listed below and as set forth in the declaration by Mr. Guzik, attached as Exhibit A (“Guzik Declaration”), release of the designated information would cause competitive harm to GVS, and GVS requests the Court afford the information permanent *in camera* treatment.

## I. Confidential Documents at Issue

PX No.	Bates range	Date	Description	Proposed in camera designations
PX50008	GVS_FTC000511-513	6/13/2018	Email thread between E. Wu, J. Murphy, et al regarding industry competition	Entire document
PX50009	GVS_FTC001426-1454	8/1/2019	Internal strategy deck assessing industry competition (primarily authored by T. Guzik)	Entire document
PX50010	GVS_FTC018403-18418	12/31/2018	2018 GVS non-public, audited financial statements	Entire document
PX50021	GVS_FTC016279-162782	N/A	GVS list of police department references with contract details	Entire document
PX50022	GVS_FTC018419	2/6/2020	2020-23 non-public GVS Budget	Entire document
PX50140	GVS_FTC000378-482	1/7/2019	Internal strategy deck assessing industry competition (primarily authored by T. Guzik)	Entire document
PX60005	GVS_FTC000005-6	9/6/2019	T. Guzik FTC declaration	Marked portions of paragraphs 2 (sentence 5), 4 (sentence 7), 6 (sentences 3 and 5), 8 (entire paragraph)
PX81049	N/A	8/26/2020	T. Guzik deposition transcript	21:1-27:3; 27:23-39:3; 42:14-58:5; 60:13-74:16; 75:17-139:21; 141:1; 141:8; 141:23-142:11; 142:25-150:21; Index
N/A	GVS_FTC000497-498	6/1/2018	Email thread between J. Murphy, T. Guzik and C. Ross regarding Taser competition	Entire document
N/A	GVS_FTC021721	N/A	Internal status report on GVS RFPs	Entire document

The unredacted versions of the documents (collectively, “Confidential Documents”) are attached as Exhibit B to this motion.

In addition to the documents listed above, Axon proposes to introduce two documents bates-labeled GVS\_FTC007750-7780 and GVS\_FTC008563-8577. GVS is not seeking in camera treatment for any portion of these documents.

## II. Legal Standard

In determining the level of public access to the records in a proceeding, a court must consider several factors, including prejudice to the supplier of the records, whether the supplier is

a third party and the need for public access to the specific records in question. *United States v. Hubbard*, 650 F.2d 293, 317-322 (D.C. Cir. 1980). As the FTC rules state, *in camera* treatment is appropriate where its “public disclosure will likely result in a clearly defined, serious injury to the ... corporation requesting such treatment.” 16 C.F.R. § 3.45(b). A proponent seeking *in camera* treatment demonstrates serious competitive injury by showing that the documents are secret, and that they are material to the business. *In re General Foods Corp.*, 95 F.T.C. 352, 355 (1980); *In re Dura Lube Corp.*, 1999 F.T.C. Lexis 255, \*5 (1999). In this context, courts generally attempt “to protect confidential business information from unnecessary airing.” *H.P. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1188 (1961).

The Court’s consideration of the secrecy and materiality of the documents and testimony at issue involves the following factors: (1) the extent to which the information is known outside of the business; (2) the extent to which it is known by employees and others involved in the business; (3) the extent of measures taken to guard the secrecy of information; (4) the value of the information to the business and its competitors; (5) the amount of effort or money expended in developing the information; and (6) the ease or difficulty with which the information could be acquired or duplicated by others. *In re Bristol-Meyers Co.*, 90 F.T.C. 455, 456-457 (1977).

Quintessential examples of information subject to *in camera* treatment include confidential sales and cost data, internal strategy and competitive decision making and other categories of information that would cause competitive harm to the disclosing company. *See, e.g., In re Dura Lube Corp.*, 1999 FTC LEXIS 255 at \*7 (Dec. 23, 1999) (“the likely loss of business advantages is a good example of a ‘clearly defined, serious injury’”); *The Matter of Champion Spark Plug Company*, 1982 FTC LEXIS 85 at \*2 (April 5, 1982) (finding that “there is ample support for granting *in camera* treatment for sales data of a type not normally disclosed”).

Non-party status is another relevant consideration supporting confidentiality. As the FTC has noted, “extension of confidential or *in camera* treatment in appropriate cases involving third party bystanders encourages cooperation with future adjudicative discovery requests.” *In re Kaiser Aluminum & Chem. Corp.*, 103 F.T.C. 500 (1984).

### **III. The Designated Information Is Confidential and Disclosure Would Cause GVS Competitive Injury**

GVS requests *in camera* treatment for confidential financial information, evaluations of the body worn camera and digital evidence management marketplace and competitors, product and technology road maps, strengths and weaknesses of GVS, updates and sales terms on responses to customer requests for proposal, potential mergers and acquisitions, and internal discussions on marketplace competitive strategy. This information is confidential, competitively sensitive and in some instances, reflects GVS trade secrets. *See* Guzik Declaration at ¶¶ 3, 6. GVS seeks to maintain the confidentiality of this information at all times as public disclosure would cause competitive injury. *See* Guzik Declaration at ¶¶ 4-6.

Further details describing the competitively sensitive nature of the designated information is set forth below:

- Financial data, budgets and forecasts
  - GVS\_FTC018403: 2018 audited financials for GVS, including sales revenue, cost of sales, expenses, cash position and other non-public financial data
  - GVS\_FTC018419: GVS itemized budget forecasts for 2020-23, including sales projections
- Internal strategy and market evaluations
  - GVS\_FTC000511: Internal discussion on competition for specific accounts and

### GVS strengths and weaknesses

- GVS\_FTC001426: Internal strategy deck assessing body camera and DEMS market dynamics and evaluation of GVS RFP responses
- GVS\_FTC000378: Internal strategy deck assessing body camera and DEMS market dynamics and evaluation of GVS RFP responses
- GVS\_000497: Internal discussion on competitor and GVS pricing strategy and solutions
- Details on GVS RFP responses
  - GVS\_FTC016279: Confidential list of GVS police department references with details on specific contracts
  - GVS\_FTC021721: Details of individual GVS RFP responses along with notes on status of each RFP submission
- Tom Guzik declaration and deposition
  - GVS\_FTC000005: Tom Guzik's signed declaration contains competitively sensitive details on GVS product offerings and pricing, evaluations of competitors and GVS' acquisition strategy and has been redacted accordingly
  - Bates N/A: Tom Guzik's deposition transcription contains competitively sensitive details on GVS product offerings and pricing, evaluations of competitors and GVS' acquisition strategy and has been redacted accordingly

The designated information is highly confidential and competitively sensitive. Access to such information by GVS' customers and competitors would be injurious to GVS and result in loss of business advantage. *See* Guzik Declaration at ¶ 5.

Public understanding of this proceeding does not depend on access to GVS' internal documents and confidential information. As much of this information consist of trade secrets and ongoing competitive strategy, permanent *in camera* treatment is warranted. See Guzik Declaration at ¶ 6.

#### IV. Conclusion

For the reasons set forth above and in the Guzik Declaration, GVS respectfully requests that this Court grant permanent *in camera* treatment to the Confidential Documents as designated.

DATED: September 23, 2020

By: /s/ Albert Y. Kim  
Norman A. Armstrong  
Albert Y. Kim  
KING & SPALDING  
1700 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
Tel: (202) 626-8979  
Email: narmstrong@kslaw.com  
Email: akim@kslaw.com

*Counsel for Non-Party Getac Video Solutions, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 23, 2020, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of filing to:

April Tabor  
Acting Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-113  
Washington, DC 20580

The Honorable D. Michael Chappell  
Chief Administrative Law Judge  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-110  
Washington, DC 20580

I further certify that I delivered via electronic mail a copy of the foregoing document to:

Alexander Ansaldo  
Hana Verwilt  
Christian Glover  
Susan Musser  
FEDERAL TRADE COMMISSION  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
Phone: (202) 326-2638

Facsimile: (202) 326-2071  
Email: jansaldo@ftc.gov  
Email: hverwilt@ftc.gov  
Email: cglover@ftc.gov  
Email: smusser@ftc.gov

*Counsel for the Federal Trade Commission*

Jordan Baumann  
JONES DAY  
325 John H. McConnell Boulevard, Suite 600  
Columbus, OH 43215-2673  
Tel: 614.281.3800  
jbaumann@jonesday.com

Ryan T. Liddell  
Debra R. Belott  
Julie McEvoy  
JONES DAY  
51 Louisiana Avenue, NW  
Washington, DC 20001  
Tel: 202-879-3751  
rliddell@jonesday.com  
dbelott@jonesday.com  
jmcevoy@jonesday.com

Aaron M. Healey  
JONES DAY  
250 Vesey Street  
New York, NY 10281-1047  
ahealey@jonesday.com

*Counsel for Respondent Axon Enterprises, Inc.*

By: /s/ Albert Y. Kim  
Albert Y. Kim

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

<p>In the Matter of</p> <p>Axon Enterprise, Inc. a corporation,</p> <p style="text-align: center;">and</p> <p>Safairland, LLC, a partnership,</p> <p>Respondents.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Docket No. D09389</p>
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**[PROPOSED] ORDER REGARDING NON-PARTY GETAC VIDEO SOLUTIONS  
INC.'S MOTION FOR *IN CAMERA* TREATMENT**

It is ordered that the following document designations are afforded permanent *in camera* treatment from the date of this Order and that these document designations may only be viewed by those permitted and in the manner set forth by the terms of the Court's Protective Order.

PX No.	Bates range	Date	Description	Proposed in camera designations
PX50008	GVS_FTC000511-513	6/13/2018	Email thread between E. Wu, J. Murphy, et al regarding industry competition	Entire document
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PX No.	Bates range	Date	Description	Proposed in camera designations
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N/A	GVS_FTC000497-498	6/1/2018	Email thread between J. Murphy, T. Guzik and C. Ross regarding Taser competition	Entire document
N/A	GVS_FTC021721	N/A	Internal status report on GVS RFPs	Entire document

**SO ORDERED**

Date: \_\_\_\_\_

By: \_\_\_\_\_

# **Exhibit A**

## **Declaration of Tom Guzik**

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

In the matter of )  
)  
Axon Enterprise, Inc. )  
a corporation, )  
)  
and )  
)  
Safariland, LLC, )  
a partnership, )  
)  
Respondents. )  
\_\_\_\_\_)

Docket No. 9389

**DECLARATION OF TOM GUZIK IN SUPPORT OF  
NON-PARTY GETAC VIDEO SOLUTIONS INC.’S  
MOTION FOR *IN CAMERA* TREATMENT**

I, Tom Guzik, hereby declare as follows:

1. I am President of Getac Video Solutions Inc. (“GVS” and the “Company”). I make this declaration in support of non-party GVS’ Motion for *In Camera* Treatment. I have personal knowledge of the matters stated in this Declaration and if called upon to do so, could competently testify about them.
2. I have reviewed and am familiar with the GVS documents that the parties in the above-captioned matter propose to introduce in their filings and potentially in the Part III litigation. Based on my review of the documents and my knowledge of GVS’ business, I submit that the disclosure of these documents to the public and to GVS’ customers and competitors would cause competitive injury to GVS.
3. The information designated for *in camera* treatment cover internal and secret GVS data, deliberations and strategy, including financial data, budgets, forecasts, internal strategy, market and competitor evaluations, information on GVS’ and competitor submissions for customer Requests for Proposal, internal road maps and product pricing. This information is highly competitively sensitive.
4. GVS seeks to maintain confidentiality of such information at all times and does not disclose this information

to the public.

5. Release of the designated information and access by GVS' customers and competitors would cause GVS competitive injury and loss of competitive advantage.
6. Included in the competitively sensitive information is information that GVS considers trade secrets, including future road maps and competitive strategies. Release of such information at any time would cause GVS competitive injury.

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

DATED: September 22, 2020

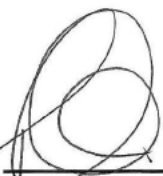
By:   
\_\_\_\_\_  
Tom Guzik  
President  
Getac Video Solutions Inc.

Exhibit B-1: PX50008, GVS\_FTC0000511-513  
**Non-Public *In Camera***

Exhibit B-2: PX50009, GVS\_FTC001426-1454  
**Non-Public *In Camera***

Exhibit B-3: PX50010, GVS\_FTC018403-18418  
***Non-Public In Camera***

Exhibit B-4: PX50021, GVS\_FTC016279-162782  
*Non-Public In Camera*



Exhibit B-5: PX50022, GVS\_FTC018419  
**Non-Public *In Camera***

Exhibit B-6: PX50140, GVS\_FTC000378-482  
**Non-Public *In Camera***

Exhibit B-7: PX60005, GVS\_FTC000005-6

Exhibit

RX-2

J W 08/26/2020

**DECLARATION OF TOM GUZIK** made pursuant to 28 U.S.C. § 1746

I, Tom Guzik, declare and state as follows:

1. I am the President of Getac Video Solutions, Inc. (“Getac Video”). Getac Video sells body worn camera systems, in-car camera systems, interview room camera systems, and video management software to law enforcement personnel. Getac Video is a wholly-owned subsidiary of Getac Technology Corporation, a Taiwanese manufacturer of rugged technology products. Rugged technology products are structurally enhanced laptops, notebooks and other devices designed for use by the military, law enforcement, and others in physically demanding environments. Getac Technology Corporation is a publicly listed company on the Taiwan Stock Exchange.
2. I founded WHP Workflow Solutions, Inc., the predecessor of Getac Video, in 2007. The company sold in-car and interview-room camera systems for police agencies. The company was acquired by Getac Technology Corporation in 2018. The company began selling body worn camera systems around 2012. [REDACTED].
3. Body worn camera systems are configurable devices that capture video, audio, and other data and communicate with and transfer that data to other devices as part of a digital asset management and storage system. Body worn camera systems are designed to be used by police and other law enforcement personnel.
4. Getac Video does not view in-car camera systems and body worn camera systems as interchangeable. They perform distinct functions. In-car camera systems are designed to capture video of events that transpire immediately in front of, and in the rear of, a police car. They are frequently used by state highway patrols and other police that make a large number of traffic stops. Body worn cameras, by contrast, are attached to an officer’s uniform and are designed to capture video of events that may transpire far away from a police car. Body worn camera systems may also be used by police who are not assigned to a police car and do not have access to an in-car system. [REDACTED].  
[REDACTED] While some police departments choose to equip officers with both in-car systems and body worn camera systems, the two are not substitutes for each other.
5. An integral part of any body worn camera system is the digital evidence management system, the software program that is used to store, edit, and retrieve the video files created by body worn cameras. Most competitors sell their body worn cameras as a package with their digital evidence management system, which is paid for as an ongoing

subscription. Getac has fully-operational on-premise and cloud-based digital evidence management systems.

6. Competing in the body worn camera market is capital intensive. Competitors must continuously invest significant amounts of capital in research and development to add new features to the hardware and software. [REDACTED]

[REDACTED]

Based upon Axon's public documents, Getac Video understands that Axon invests several times more than that in its body worn camera hardware and digital evidence management software. [REDACTED]

[REDACTED] Based upon Axon's public documents, Getac Video understands that Axon's body worn camera business is also unprofitable.

7. Huge amounts of digital data underlie the video generated by body worn cameras. Police must store and retain these video files, especially those related to a crime or an incident in which police conduct was at issue, for multiple years. If a customer wants to change body worn camera suppliers, it must convert its pre-existing files to a format that is accessible by the new supplier's digital evidence management system. Otherwise, the customer would have to continue paying subscription fees for access to older files. The customer would in fact have to pay for two systems for a number of years, which would likely be cost prohibitive.

8. [REDACTED]



Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed this 6 day of Sept, 2019:

A handwritten signature in blue ink, consisting of a large, stylized 'E' or similar character, positioned above a horizontal line.

Exhibit B-8: PX81049, Bates N/A

\*\*CONFIDENTIAL\*\*

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

Docket No. 9389

----- :  
IN THE MATTER OF: AXON ENTERPRISE, INC., :  
a Corporation, :

----- :  
DEPOSITION UNDER ORAL EXAMINATION OF:  
TOM GUZIK  
August 26, 2020

-----  
REPORTED BY: JENNIFER L. WIELAGE, CCR, RPR, CRR  
-----

JOB # 317822



Page 2

1 TRANSCR PT of the remote deposition of the  
 2 above-named witness, called for Oral Examination in  
 3 the above-entitled matter, said deposition being  
 4 taken pursuant to Federal Court Rules, by and before  
 5 JENNIFER L. WIELAGE, Certified Shorthand Reporter,  
 6 License No. XI01916, on Wednesday, August 26, 2020,  
 7 commencing at 10 00 in the forenoon eastern standard  
 8 time.  
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Page 3

1 A P P E A R A N C E S: (Appearing Remotely)  
 2  
 3 FEDERAL TRADE COMMISSION  
 4 400 7th Street SW  
 5 Washington, DC 20024  
 6 (202) 326-2222  
 7 BY: LILY RUDY, ESQ.  
 8 lrudy@ftc.gov  
 9 BY: STEPHEN WILENSKY, ESQ.  
 10 swilensky@ftc.gov  
 11 BY: KELLY HORNE, ESQ.  
 12 khorne@ftc.gov  
 13 Attorneys for FTC  
 14 JONES DAY  
 15 51 Louisiana Ave NW  
 16 Washington, DC 20001  
 17 (202) 879-3939  
 18 BY: MICHAEL KNIGHT, ESQ.  
 19 mknight@jonesday.com  
 20 BY: ASHLEY BURMAN, ESQ.  
 21 aburman@jonesday.com  
 22 Attorneys for Axon  
 23 KING & SPALDING, LLP  
 24 1700 Pennsylvania Avenue, NW  
 25 2nd Floor  
 Washington, D.C. 20006  
 (202) 737 0500  
 BY: NORMAN ARMSTRONG, JR., ESQ.  
 narmstrong@kslaw.com  
 BY: ALBERT Y. KIM, ESQ.  
 akim@kslaw.com  
 Attorneys for Getac and Deponent  
 ALSO PRESENT - MATTHEW TURSI, Videographer

Page 4

1 I N D E X  
 2  
 3  
 4 W I T N E S S  
 5 Testimony of:  
 6 TOM GUZIK PAGE NO.  
 7  
 8 EXAM NATION BY MR. KNIGHT: 7  
 9 EXAMINATION BY MS. RUDY: 75  
 10 EXAM NATION BY MR. KNIGHT: 142  
 11  
 12 E X H I B I T S  
 13 NUMBER DESCRIPTION PAGE  
 14  
 15 Exhibit GVS\_FTC000378 through 40  
 16 RX-GUZIK- GVS\_FTC000482  
 17 001  
 18 Exhibit GVS\_FTC000005 through 60  
 19 RX-GUZ K- GVS\_FTC000008  
 20 002  
 21 Exhibit PX50009-001 through 029 124  
 22 PX50009  
 23  
 24 PREVIOUSLY MARKED EXHIBITS  
 25  
 NUMBER DESCR PTION PAGE

Page 5

1 DEPOSITION SUPPORT INDEX  
 2 DIRECTION TO WITNESS NOT TO ANSWER  
 3  
 4 Page Line  
 5  
 6 REQUEST FOR PRODUCTION OF DOCUMENTS  
 7  
 8 Page Line  
 9  
 10 STIPULATIONS  
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 12 Page Line  
 13  
 14 QUESTION MARKED  
 15  
 16 Page Line  
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Page 6

1

2 THE VIDEOGRAPHER: We are now on he

3 record. Participants should be aware that his

4 proceeding is being recorded and, as such, all

5 conversations held will be recorded unless here is a

6 request and agreement to go off the record. Private

7 conversations and/or attorney-client interactions

8 should be held outside he presence of he remote

9 interface.

10 A link to the recording will be

11 available to all parties in he case for up to 90

12 days from today's date provided the requesting party

13 has purchased a certified copy of he transcript.

14 This is the remote video recorded

15 deposition of Tom Guzik being taken by counsel.

16 Today is Wednesday, August 26, 2020. The time is now

17 10:10 a m. in the eastern time zone. We are here in

18 the matter of Axon Enterprise, Inc.

19 My name is Matt Tursi, remote video

20 technician, on behalf of U.S. Legal Support, located

21 at 90 Broad Street, New York, New York. I am not

22 related to any party in his action nor am I

23 financially interested in he outcome.

24 At this time, will he reporter,

25 Jennifer Wielage, on behalf of U.S. Legal Support,

Page 7

1 please enter the statement for remote proceedings

2 into the record.

3 THE COURT REPORTER: The attorneys

4 participating in this deposition acknowledge hat I

5 am not physically present in he deposition room and

6 hat I will be reporting this deposition remotely.

7 They further acknowledge hat, in

8 lieu of an oath administered in person, he witness

9 will verbally declare his testimony in this matter is

10 under he penalty of perjury.

11 The parties and heir counsel consent

12 to his arrangement and waive any objections to his

13 manner of reporting.

14 Please indicate if you have any

15 objection to his.

16 Hearing none, I will swear in he

17 witness.

18 TOM GUZIK,

19 Having been duly sworn according to law, testifies as

20 follows:

21 EXAMINATION BY MR. KNIGHT:

22 Q. Okay. Mr. Guzik, thanks very much

23 for being here today. My name is Michael Knight, and

24 I'm here with my colleague Ashley Burman, who's also

25 on he line. We're with he law firm Jones Day, and

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1 we represent Axon Enterprise in his matter.

2 Mr. Guzik, have you ever had your

3 deposition taken before?

4 A. Yes.

5 Q. How many times?

6 A. At least twice, I believe.

7 Q. Okay. How long ago was the last

8 time?

9 A. Approximately 20 years.

10 Q. Okay. I'm going to go over a couple

11 of ground rules then to -- to refresh your memory of

12 the process.

13 A. Thank you.

14 Q. And -- you bet. You bet.

15 The way that we'll proceed today is

16 I'll have an opportunity to ask some questions as

17 well as some from the FTC. So I think the ground

18 rules hat I'm going to apply here today will apply

19 to bo h of us, but I'll let Ms. Rudy correct me if

20 she has o her rules when she gets to her part.

21 So the way this works is I will ask

22 you questions, and you'll give answers to he best of

23 your ability.

24 If you don't understand a question

25 hat I ask, please just let me know. And if you --

Page 9

1 if you don't let me know hat you don't understand

2 he question, then I'll assume that you do and that

3 your answer is complete.

4 Is hat fair?

5 A. Sure.

6 Q. Okay. Do you understand hat you're

7 under oath his morning and required to respond

8 truthfully to all questions just as if we were in a

9 courtroom?

10 A. Yes.

11 Q. Are you on any medications or under

12 any o her influences that would impair your ability

13 to testify today?

14 A. No.

15 Q. Okay. Do you know of any other

16 reason why we shouldn't proceed wi h the deposition

17 today?

18 A. No.

19 Q. Okay. Great. If at any point

20 during -- during my questioning you need to take a

21 break, just let me know, and I'll look for a stopping

22 point, a quick stopping point, so hat you can do so.

23 And, again, if you're having any

24 issues wi h the technology, as we discussed before

25 off he record, just let me know if you have any

Page 10

1 trouble hearing me or seeing me. Let me know, and we  
 2 can go off the record until we get it straight. Fair  
 3 enough?  
 4 A. Sure.  
 5 Q. Okay. Can you let me know what  
 6 equipment you're using today with regard to the  
 7 deposition, electronic equipment?  
 8 A. I'm using a computer, keyboard,  
 9 mouse, things like that.  
 10 Q. Okay. Very good. Any other  
 11 communication devices with you?  
 12 A. I have my phone here.  
 13 Q. Okay. So we have an agreement with  
 14 the FTC in these depositions that during the course  
 15 of the discussion on the record, that you won't  
 16 communicate -- or the witnesses won't communicate  
 17 with anyone else regarding their testimony.  
 18 So will you let me know if anyone  
 19 tries to communicate with you while we're on the  
 20 record about your testimony?  
 21 A. So just repeat that again so I  
 22 understand that?  
 23 Q. Sure. While we're on the record,  
 24 during the course -- the question and answer, not  
 25 counting breaks, all right, when you may speak with

Page 11

1 your counsel or whomever.  
 2 While we're on the record, if someone  
 3 outside of our proceeding here tries to communicate  
 4 with you about your testimony, will you let me know  
 5 that?  
 6 A. Sure.  
 7 Q. Okay. Very good.  
 8 So our court reporter, Jennifer, is  
 9 here today to take down a transcript of everything  
 10 that we are covering. And for that purpose, it makes  
 11 it much easier for her if we don't talk over one  
 12 another.  
 13 So I will try my best not to speak  
 14 over you, if you're in the middle of an answer, and I  
 15 ask that you do the same, if I'm in the middle of a  
 16 question. We'll try to make it clean as possible.  
 17 Sometimes it just happens and, if so,  
 18 we can correct it, but -- but I will -- I will do my  
 19 best and ask that you do yours as well. Does that  
 20 make sense?  
 21 A. It does.  
 22 Q. Great. Similarly, it's very hard for  
 23 Jennifer to pick up, you know, head nods or verbal --  
 24 or -- I'm sorry -- facial gestures as opposed to  
 25 verbal answers, so I'd ask that you give your

Page 12

1 responses orally. Okay?  
 2 A. Yes.  
 3 Q. Great. And lastly, from time to  
 4 time, either your attorney or the FTC may object to  
 5 my questions. If they do so, they're objecting to  
 6 put that objection on the record. Unless your  
 7 attorney instructs you not to answer, you should  
 8 still go ahead and answer the question.  
 9 So if you don't get an instruction  
 10 from Mr. Armstrong not to answer the question, then  
 11 you should answer it. The objection will be  
 12 preserved on the record. You understand?  
 13 A. I believe so, yes.  
 14 Q. Okay. Anything you don't understand,  
 15 I could help you with on that?  
 16 A. Yep, no, I believe I understand. I  
 17 have Norm here to object.  
 18 Q. Very good. So you mentioned a moment  
 19 ago that you had twice had your deposition taken  
 20 before, and I think you said the last time was about  
 21 20 years ago.  
 22 What type of proceeding was that?  
 23 A. The last one, I believe, was a case  
 24 where an accountant didn't file proper -- proper  
 25 paperwork for an R&D tax refund.

Page 13

1 Q. Okay. And was that -- were you  
 2 testifying in your personal capacity or in a business  
 3 capacity?  
 4 A. That was business capacity.  
 5 Q. Okay. And what business, what  
 6 company was that related to?  
 7 A. That was called -- that was called --  
 8 the company was called Verdantis.  
 9 Q. And how about the other deposition  
 10 before that? Were you -- what was the situation  
 11 here?  
 12 A. The previous deposition was a -- a  
 13 shareholder dispute.  
 14 Q. And which company did that involve?  
 15 A. That company involved a company named  
 16 Ipaes.  
 17 Q. And what was the nature of the  
 18 shareholders dispute?  
 19 A. The valuation of -- of the shares.  
 20 Q. And in what capacity were you  
 21 testifying? Were you testifying on behalf of the  
 22 company?  
 23 A. No, it was personal. I was a  
 24 shareholder.  
 25 Q. And we talked about depositions.

Page 14

1 Have you ever actually testified in court?

2 A. Yes.

3 Q. And was it in one of those two

4 matters?

5 A. Yes.

6 Q. Have you done anything to prepare for

7 your deposition today?

8 A. Not really much. I put a nice shirt

9 on instead of a T-shirt.

10 Q. Fair enough, fair enough. As we

11 probably all did.

12 Did you meet with anyone to prepare?

13 A. I spent some time with my attorney.

14 Q. Okay. I don't want you to tell me

15 what you discussed with your attorney because that

16 would be privileged, but I – I would ask you: Did

17 you review any documents in preparation for the

18 deposition today?

19 A. No, not really.

20 Q. So you're currently employed at Getac

21 Video Solutions; is that correct?

22 A. Yes.

23 Q. And how long have you been with

24 Getac?

25 A. Since January of 2018.

Page 15

1 Q. Okay. And what is your current title

2 at Getac Video Solutions?

3 A. President.

4 Q. Okay. And prior to January 2018,

5 where did you work?

6 A. I worked for a company called IRSA

7 Video.

8 Q. IRSA Video. And was IRSA acquired by

9 Getac?

10 A. Yes.

11 Q. What was your title at IRSA?

12 A. The CEO at that time.

13 Q. Okay. In your current position today

14 as president, can you describe for me generally your

15 job responsibilities?

16 A. Well, I'm the president of Getac

17 Video Solutions. I oversee the company's operations.

18 Q. Okay. Do you have any direct

19 reports?

20 A. Yes.

21 Q. How many?

22 A. Approximately seven. I have to count

23 them on my fingers if you want an exact number.

24 Q. No. No, that's fine. I wanted to

25 get a sense.

Page 16

1 And are you responsible or involved

2 in day-to-day operations of the company?

3 A. Yes.

4 Q. And is Getac Video Solutions a

5 subsidiary of Getac Technology Corporation?

6 A. Yes.

7 Q. Okay. And is Getac – Getac

8 Technology Corporation is located in Taiwan; is that

9 correct?

10 A. Yes.

11 Q. Okay. Getac Video Solutions is

12 located in Minnesota; is that right?

13 A. Yes.

14 Q. Okay. So you mentioned that before

15 Getac, you were with IRSA, and that's IR-S-A; is

16 that right?

17 A. That's the D/B/A name, yes.

18 Q. And how long had you been there?

19 A. Since the company formation in 2007

20 or '8. I don't recall the exact year we

21 incorporated.

22 Q. And were you one of the founders

23 then?

24 A. Yes.

25 Q. Okay. And what was IRSA's business?

Page 17

1 A. At this time, it was providing video

2 solutions to law enforcement for interview rooms.

3 Q. Okay. And so was it specific – did

4 you say specific to interview rooms?

5 A. That's how the company started, yes.

6 Q. Okay. Did IRSA ever provide

7 body-worn cameras?

8 A. Yes.

9 Q. And when did it begin providing

10 body-worn cameras?

11 A. I'd have to – I'd have to guess.

12 It's 2010 or so, approximately.

13 Q. Okay. And how about digital evidence

14 management systems? Did IRSA provide those?

15 A. Yeah, when the company was founded,

16 we provided those.

17 Q. Okay. So DEMS, or digital evidence

18 management systems, from the time the company was

19 founded, body-worn cameras a few years after it was

20 founded; is that fair?

21 A. It's a good characterization, yes.

22 Q. Okay. And does Getac Video Solutions

23 continue to provide body-worn cameras today?

24 A. Yes.

25 Q. Does it also continue to provide DEMS

Page 18

1 today?

2 A. Yes.

3 Q. Okay. Does -- did Getac Video

4 Solutions sell body-worn cameras apart from its DEMS

5 system?

6 A. Can you -- can you define that?

7 Q. Sure. If -- if a customer approached

8 you to ask for just body-worn cameras without a DEMS

9 system, does that ever happen?

10 MS. RUDY: Object to form.

11 A. Can you say it again, please?

12 BY MR. KNIGHT:

13 Q. Sure. What I'm getting at, and I

14 apologize for the ill-formed question, do you make

15 body-worn cameras available for sale without also

16 selling your DEMS product with them? In other words,

17 could a customer buy just body-worn cameras and not

18 DEMS from you?

19 MS. RUDY: Object to form.

20 A. I -- I'm not sure how to answer

21 because I'm not sure that's possible.

22 BY MR. KNIGHT:

23 Q. Okay. And why -- why not possible?

24 A. I said I'm not sure if that's

25 possible because here's a correlation between the

Page 19

1 two, especially for her -- the requirements of her --

2 of her needs.

3 Q. So I want to make sure I understand

4 it correctly.

5 Is it that your body-worn camera is

6 compatible only with your DEMS?

7 A. Say -- I'm sorry. Say again?

8 Q. Sure.

9 A. These are kind of complex --

10 complex -- complex things that have a lot of

11 relationship. And if you just want a yes-or-no

12 answer, it's very difficult to provide.

13 Q. No, understand. And I appreciate you

14 letting me in on the difficulty, because that's

15 informative as well.

16 So -- so I'm not trying to force you

17 into a yes or no answer. I just want to understand

18 whether it would -- whether a customer conceivably

19 would be interested in purchasing just cameras

20 without purchasing a DEMS system or whether, in your

21 mind, that makes -- that makes sense.

22 MS. RUDY: Object to form; calls for

23 speculation.

24 A. I -- I'm not sure I could answer

25 that. I just..

Page 20

1 BY MR. KNIGHT:

2 Q. All right. We'll move on then.

3 The DEMS system currently offered by

4 Getac, is it an on-premise product or -- or a cloud

5 product? And let me know if you understand what I

6 mean by those two terms.

7 A. It's both.

8 Q. And can you explain how it's both?

9 A. Customers can use it on premise in

10 their own facilities or they can use it in the cloud.

11 Q. Okay. And do some of your customers

12 use it only on premise?

13 A. Yes.

14 Q. Okay. And do others then use it only

15 in the cloud?

16 A. Yes.

17 Q. Okay. And the body-worn camera that

18 Getac provides today, does it have a model number or

19 name?

20 A. Yes.

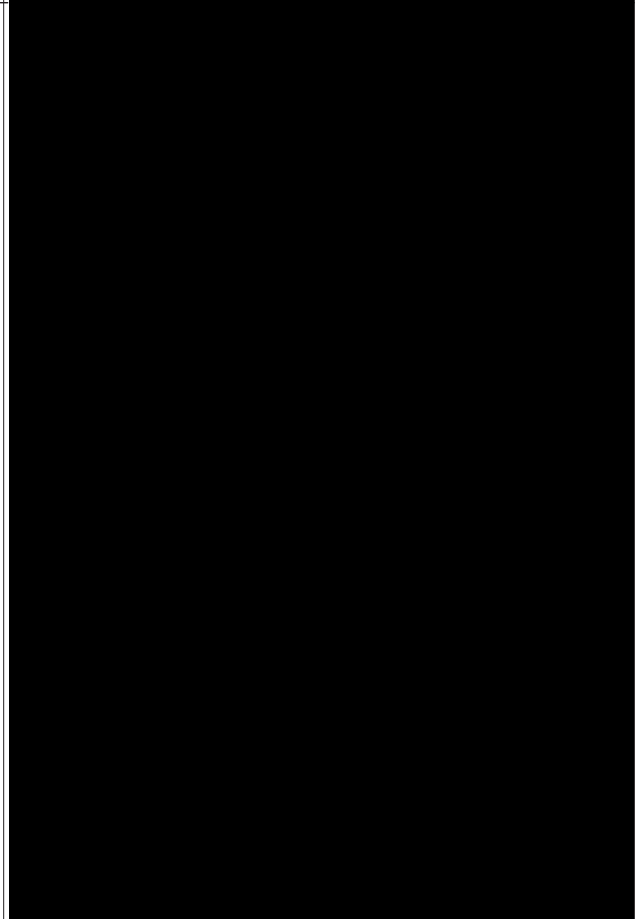
21 Q. And what is that?

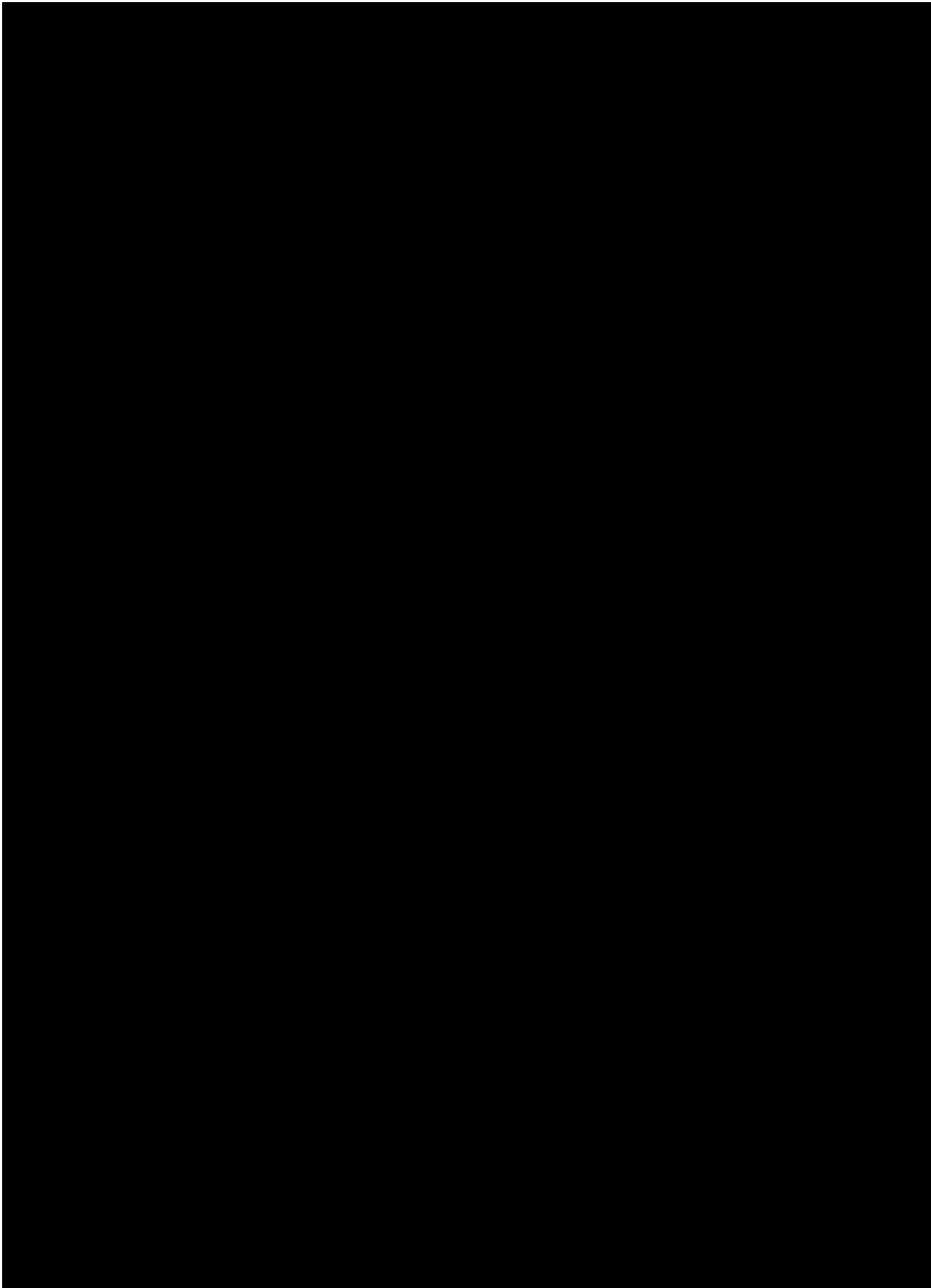
22 A. BC or Body Camera 02.

23 Q. And does 02 designate the generation

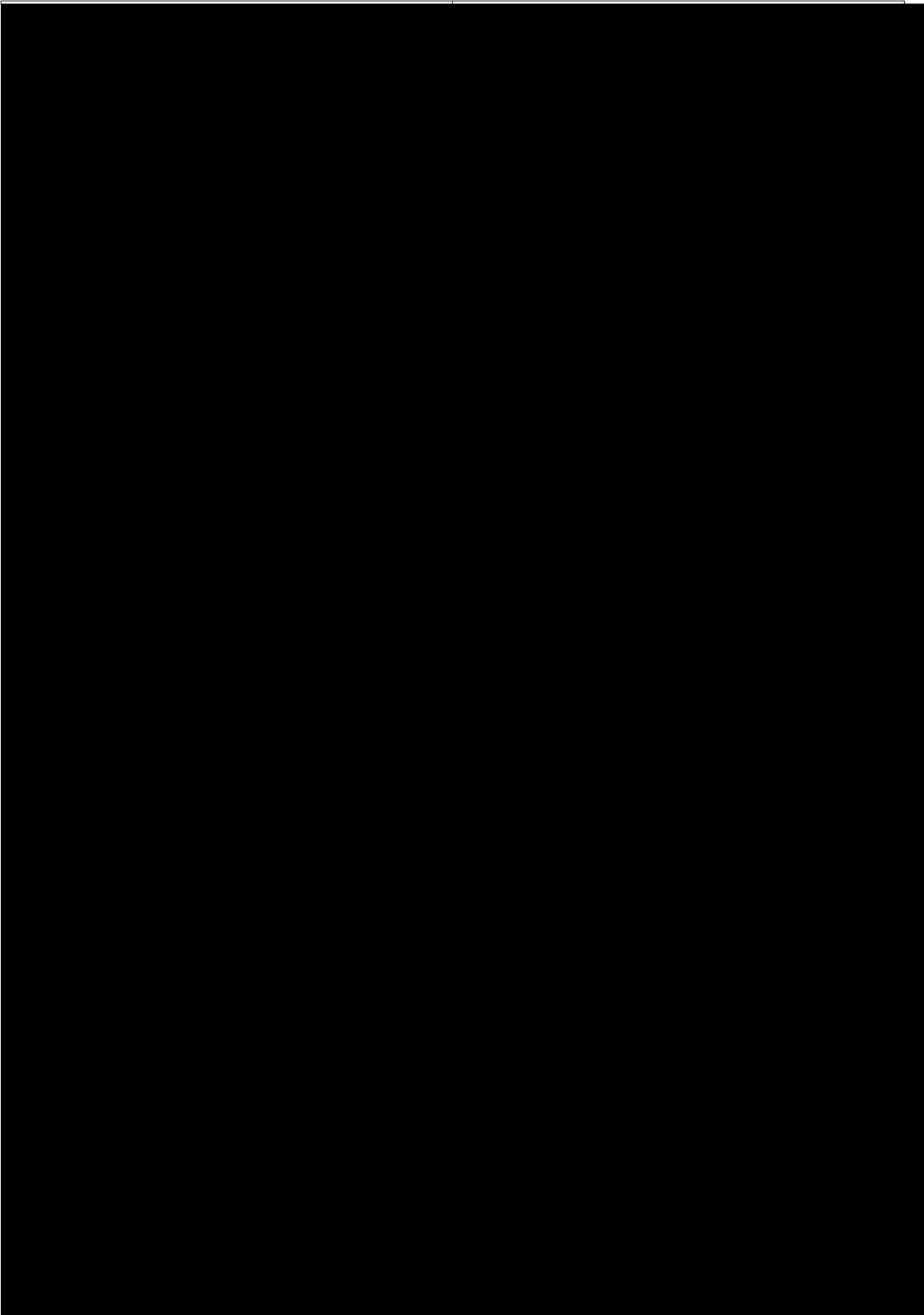
24 number? In other words, is this the second camera?

25 A. Yes.

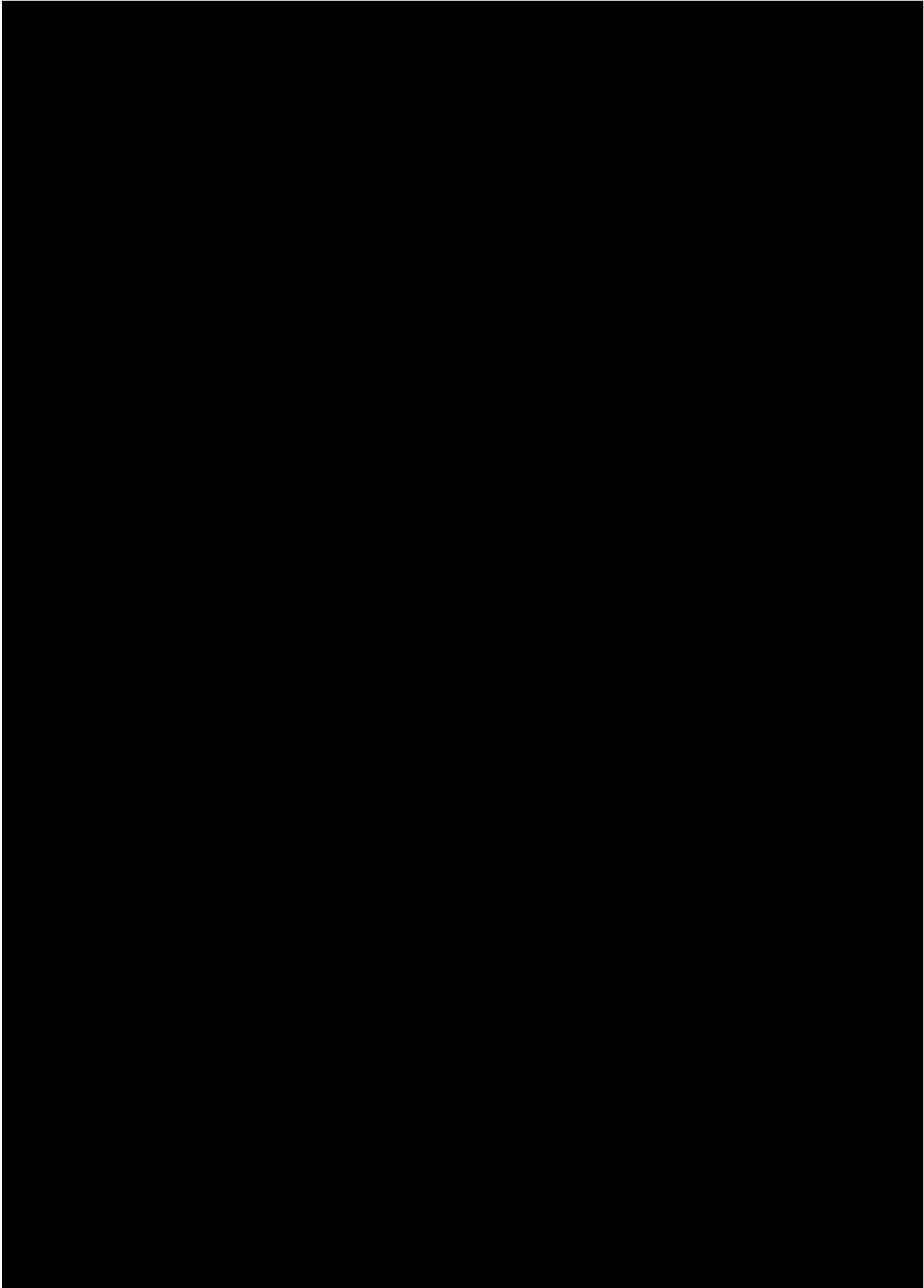


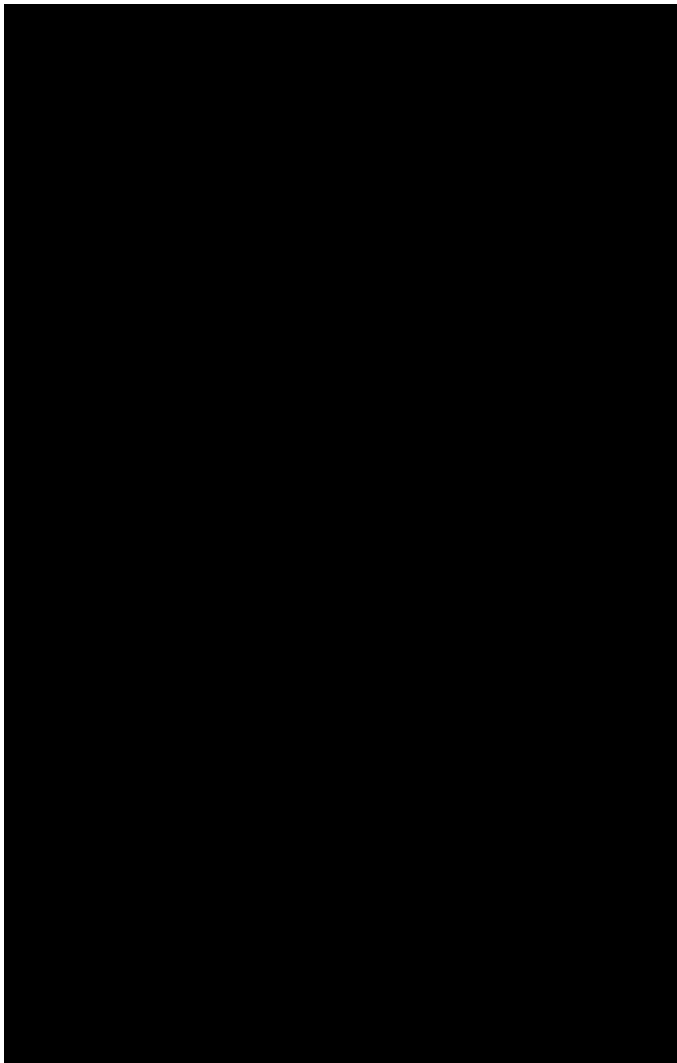


4 What other product does Getac Video  
5 Solutions offer in addition to body-worn cameras and  
6 DEMS that we've discussed?  
7 A. We offer an in-car video product.  
8 Q. And is that a camera?  
9 A. Yes.  
10 Q. And does it – strike that.  
11 Can you describe the camera for me,  
12 how it works – where – I'm sorry, not how it  
13 works – where it works in the vehicle?  
14 A. The camera is positioned on the  
15 windshield of the vehicle.  
16 Q. Okay.  
17 A. As one of the places.  
18 Q. Right. So earlier we – you noted  
19 that Getac acquired IRSA in, I believe you said,  
20 January 2018; is that right?  
21 A. That's when GVS – that's when I  
22 became president of GVS.







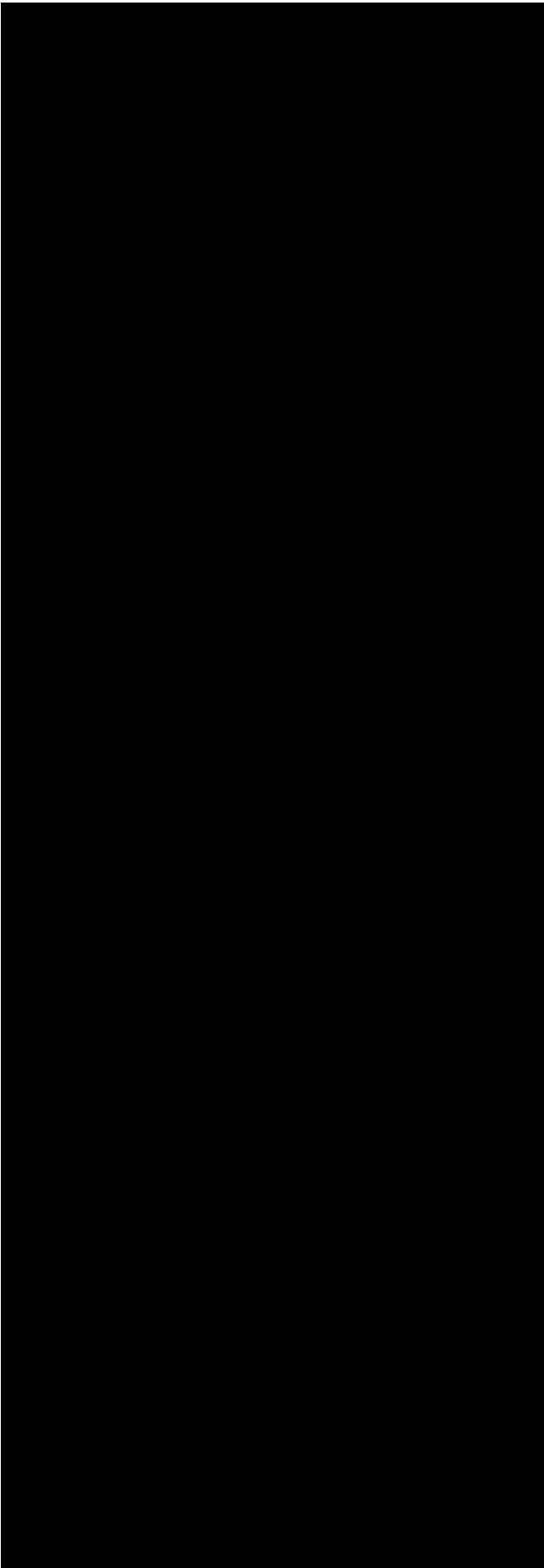
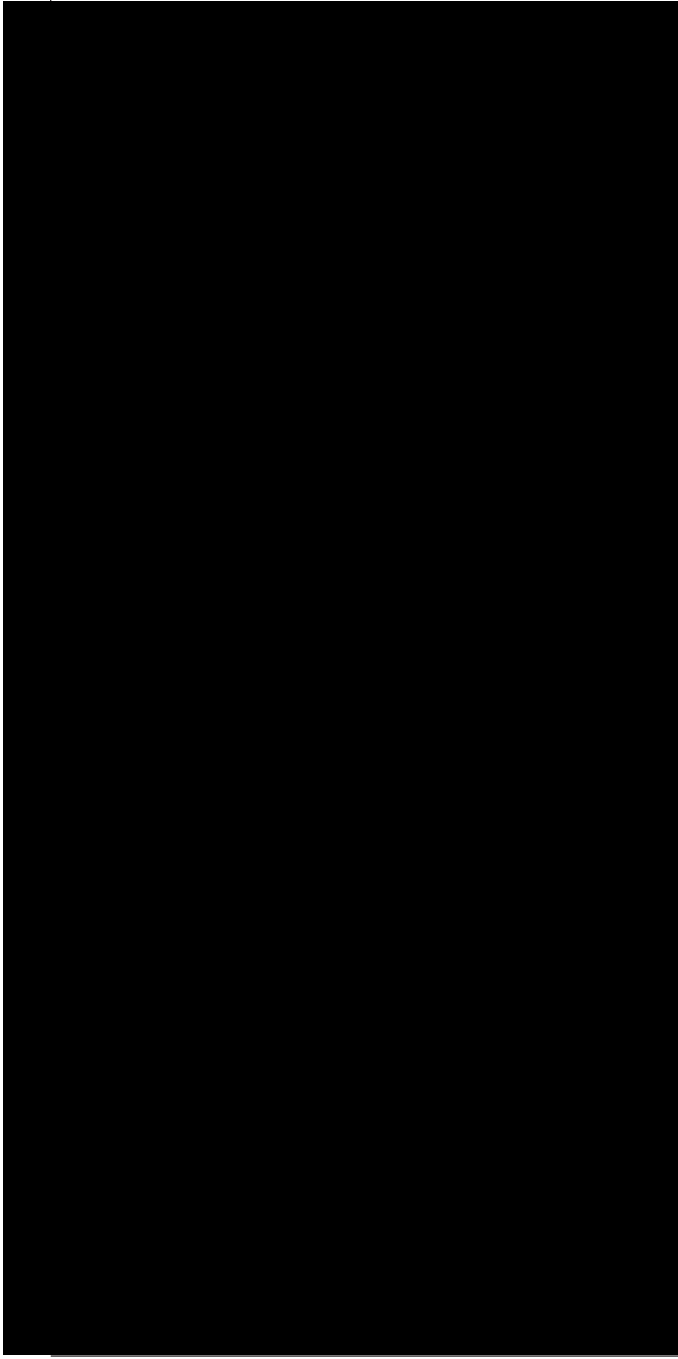


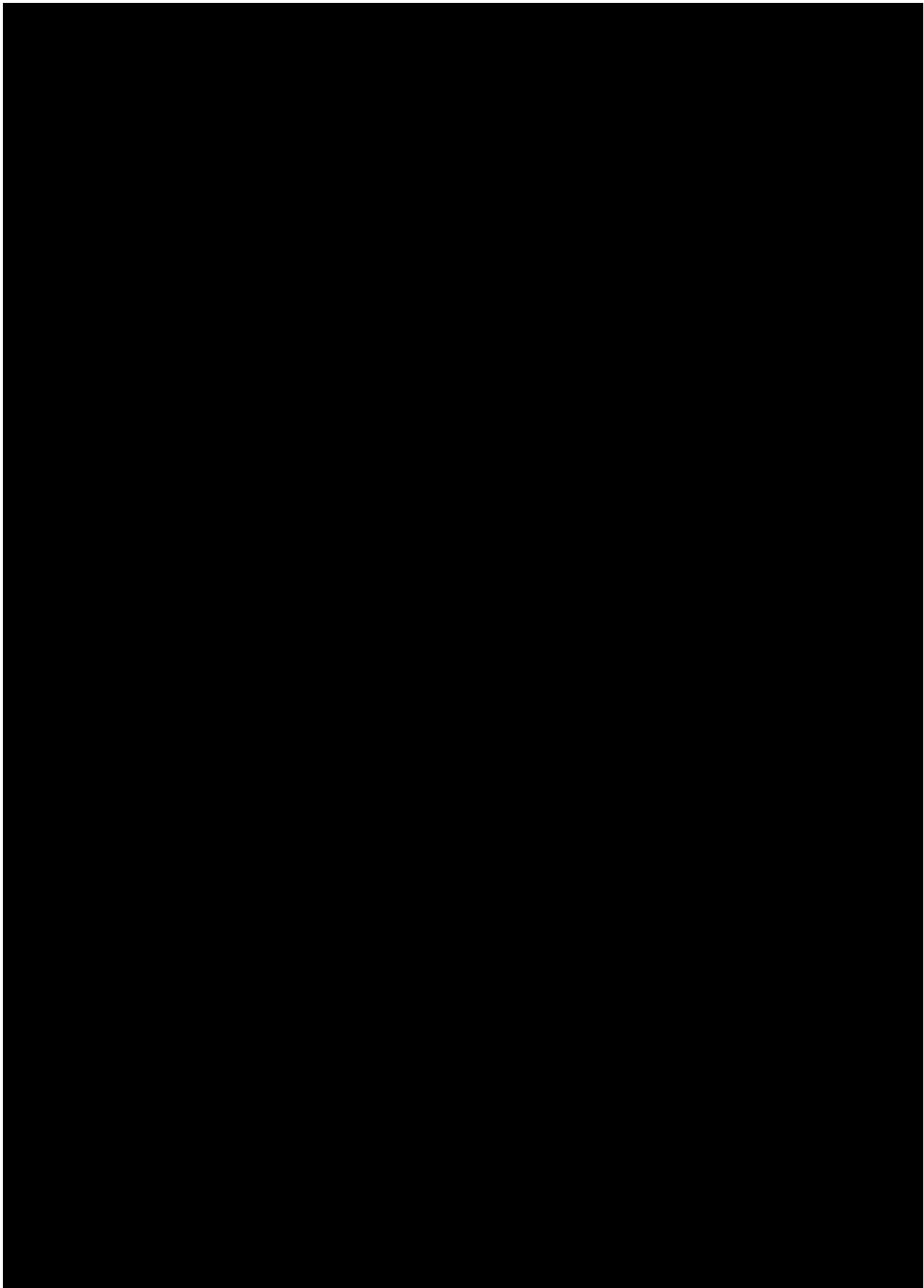
1 MR. KNIGHT: So, Ashley, do we have  
 2 the exhibit in yet?  
 3 A. If -- is it okay if I take a  
 4 one-minute break as you're putting that document up?  
 5 BY MR. KNIGHT:  
 6 Q. Yeah, sure.  
 7 MR. KNIGHT: In fact, why don't we go  
 8 ahead. It's -- I have 7 after. Do you want to take  
 9 a break until quarter after?  
 10 THE DEPONENT: Yeah. That will be  
 11 great. Thank you.  
 12 THE VIDEOGRAPHER: Going off he  
 13 record at 11:07 a m.  
 14 (A brief recess was taken.)  
 15 THE VIDEOGRAPHER: Back on he record  
 16 at 11:17.  
 17 MR. KNIGHT: So, Ashley, have you  
 18 submitted RX-GUZIK-001; if I'm calling for the right  
 19 document?  
 20 (Exhibit RX-GUZIK-001, GVS\_FTC000378  
 21 through GVS\_FTC000482, was marked for  
 22 identification.)  
 23 MR. KNIGHT: And I'm sorry, Ashley.  
 24 I'll need Tab 7. Is that loaded?  
 25 MS. BURMAN: Yes, it is. I submitted

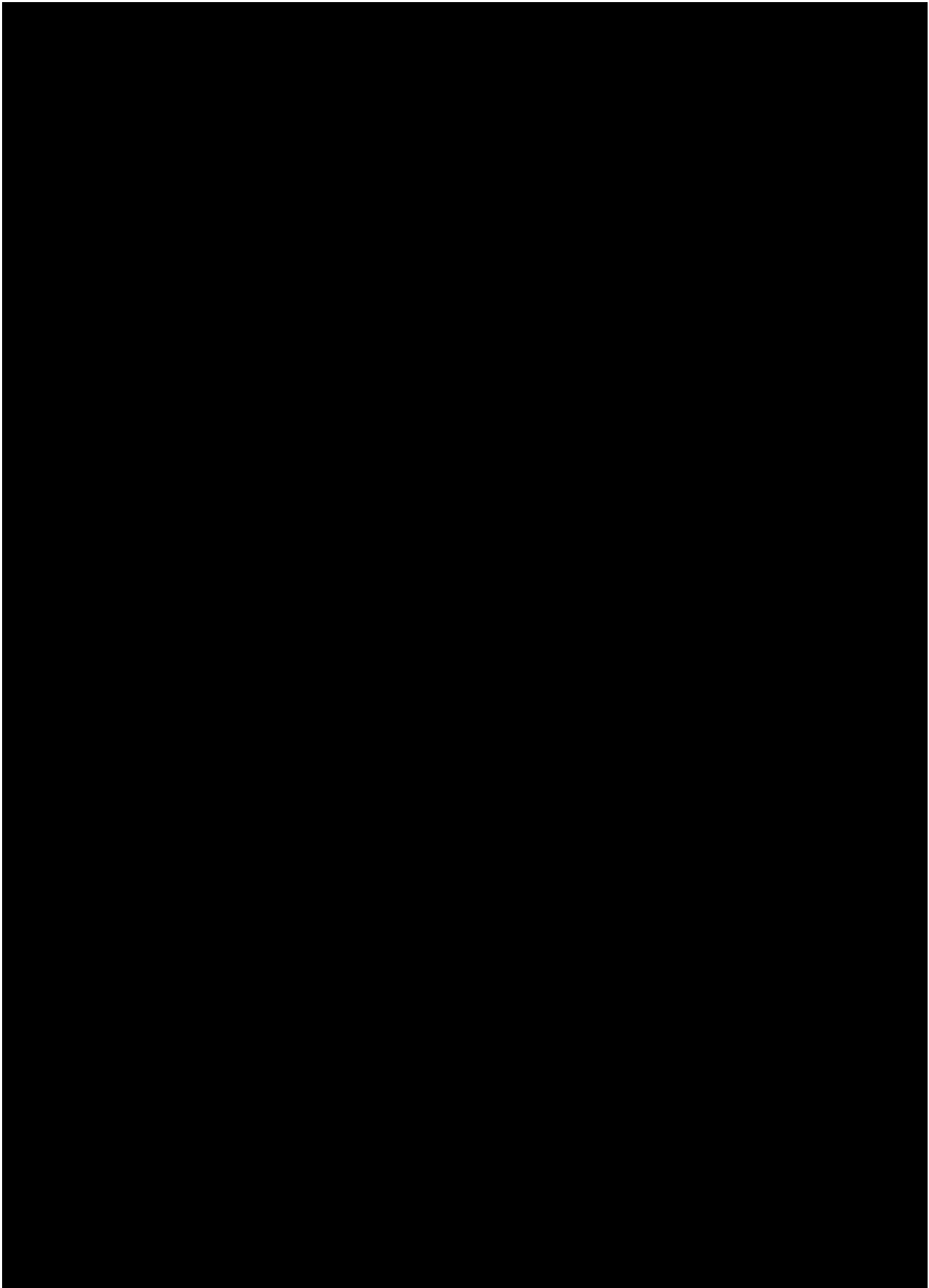
1 it.  
 2 THE DEPONENT: I'm unsure what I'm  
 3 supposed to do, so...  
 4 MR. ARMSTRONG: Mike, where is  
 5 this -- sorry. Can we go off he record for a  
 6 second, Mike?  
 7 MR. KNIGHT: Sure.  
 8 MR. ARMSTRONG: Off he record.  
 9 THE VIDEOGRAPHER: Going off the  
 10 record at 11:18.  
 11 (A discussion was held off he  
 12 record.)  
 13 THE VIDEOGRAPHER: Back on the record  
 14 at 11:22.  
 15 BY MR. KNIGHT:  
 16 Q. Okay. Mr. Guzik, I'm showing you a  
 17 document that we're marking as RX-GUZIK-001. If you  
 18 could take a minute to look at hat and just  
 19 familiarize yourself with it, and tell me when you're  
 20 ready. I have a few questions about it.  
 21 A. Yeah, just a moment. I'm having  
 22 trouble -- I have to preview the document. I think  
 23 my window closed. Just a minute, please.  
 24 Q. Sure.  
 25 A. Is the front page -- does it say:

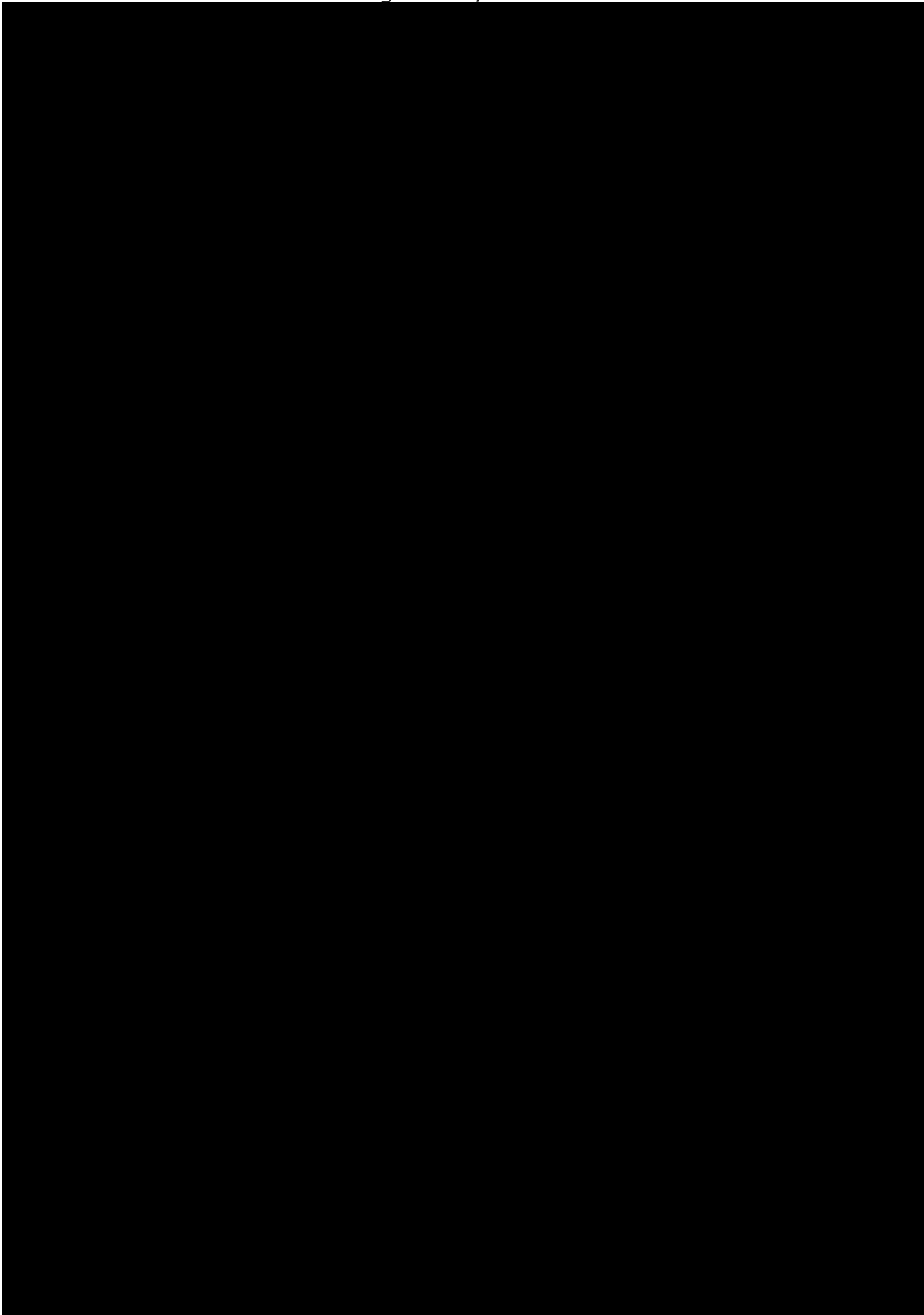
4 A. Mike? Mike, before we go here, can  
 5 I add a comment to my response to you?  
 6 Q. Of course.  
 7 A. In recent -- in recent days -- I'm  
 8 not sure if it was a few months ago -- here was an  
 9 interview by -- posted by Rick Smith that outlined  
 10 how Axon has to teach procurement departments how to  
 11 do fast procurements for their products, and how he  
 12 procurement process is not perfect and agencies take  
 13 a long time to purchase products for body cameras,  
 14 and how he's been -- his company has been really  
 15 successful at educating police departments and  
 16 procurement offices how to acquire product faster.  
 17 So I think hat in terms of how  
 18 decisions are made, you have to ask departments and  
 19 you probably have to ask Mr. Smith what he means by  
 20 hat. And his interview is online.  
 21 Q. Okay. Do you believe that law  
 22 enforcement agencies generally act in their own best  
 23 interest?  
 24 A. I think you'd have to ask them hat  
 25 question.

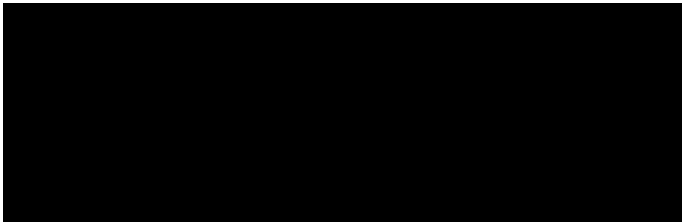
1 IRSA, Journey and Vision?  
2 Q. That's right, yes.  
3 A. And it's about 105 pages?  
4 Q. That's right, yes.  
5 A. Okay. So I have hat.  
6 Q. Okay. Do you need a moment to look  
7 at it or are you okay?  
8 A. Let me scan through it, please.  
9 Q. Sure.  
10 A. Okay. I've - I've scanned it very  
11 briefly, so...  
12 Q. Sure. And I'm going to direct you to  
13 specific pages as we go here.











1 the --

2 THE REPORTER: Do you want to go off

3 the record?

4 THE VIDEOGRAPHER: Going off the

5 record at 11:54.

6 (A brief recess was taken.)

7 (Exhibit RX-GUZIK-002, GVS\_FTC000005

8 hrough GVS\_FTC000008, was marked for

9 Identification.)

10 THE VIDEOGRAPHER: Back on the record

11 at 12 04 p.m.

12 BY MR. KNIGHT:

6 Q. Okay. So I want to ask you now about

7 when you first became aware of Axon's acquisition of

8 VieVu.

9 A. So is hat a question?

10 Q. Yeah.

11 A. I think it was a -- I hink it was

12 a -- an article on he web that someone alerted me to

13 it, ei her verbally or through -- or through e-mail.

14 Q. Okay. And I'd like to --

15 MS. RUDY: Hey, Mike, I'm really

16 sorry, and maybe you'll solve this. But can we stop

17 he exhibit? It keeps moving, and it's really

18 distracting. Sorry to interrupt.

19 MR. KNIGHT: Yeah. I can actually

20 close out of it.

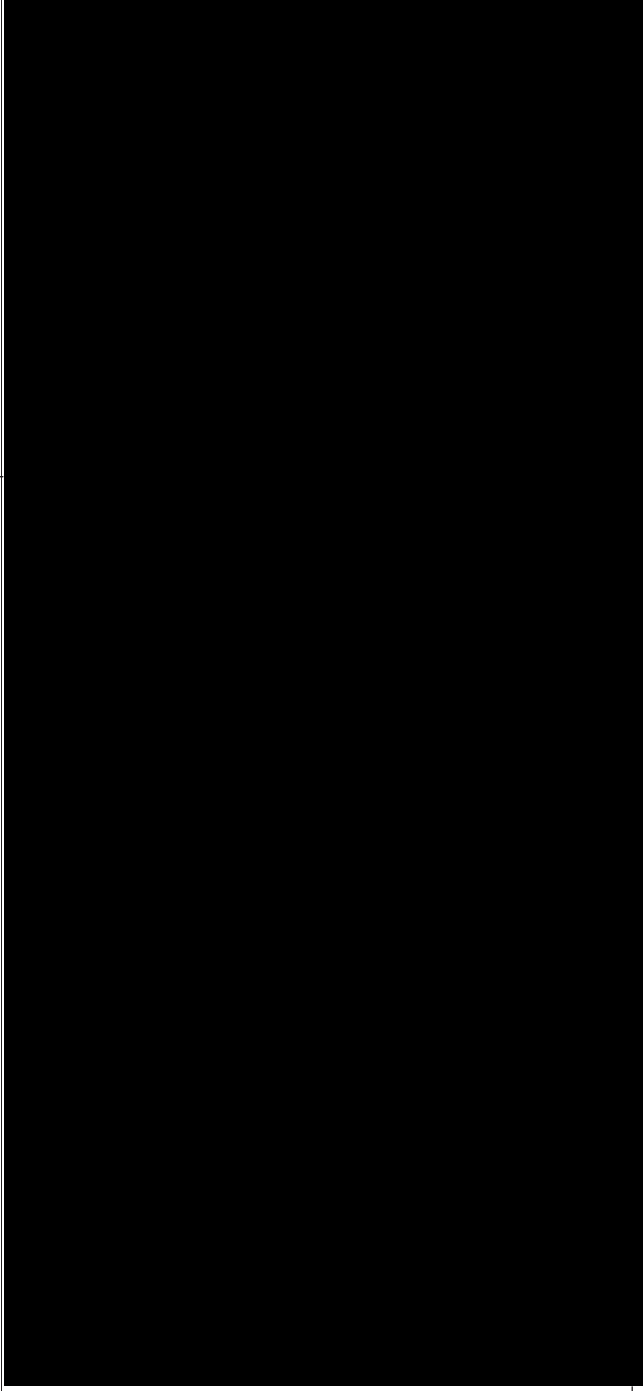
21 MS. RUDY: I'm still seeing it like

22 moving. So I don't know what's going on with it,

23 but...

24 MR. KNIGHT: Maybe it will take care

25 of itself when I introduce the next exhibit which I'm



1 about to do. If not, we'll go off the record and fix

2 it.

3 MS. RUDY: Fair enough. I just

4 wanted to clear up what was going on.

5 MR. KNIGHT: Sure.

6 So can we introduce our next exhibit?

7 And, Ashley, let us know when it's been submitted.

8 MR. ARMSTRONG: Mike, can you just

9 tell me what exhibit number it is?

10 MR. KNIGHT: Yes. Is it in yet? I'm

11 not sure if it's been loaded yet. Has it?

12 MR. ARMSTRONG: Okay, got it.

13 MR. KNIGHT: For some reason, we seem

14 to be slow loading today. Usually, these hings pop

15 up really quickly.

16 THE DEPONENT: Well it's a Tuesday.

17 I'm not exactly fast today either.

18 MS. RUDY: It's Wednesday.

19 THE DEPONENT: Is it Wednesday? See,

20 here you go. Proof.

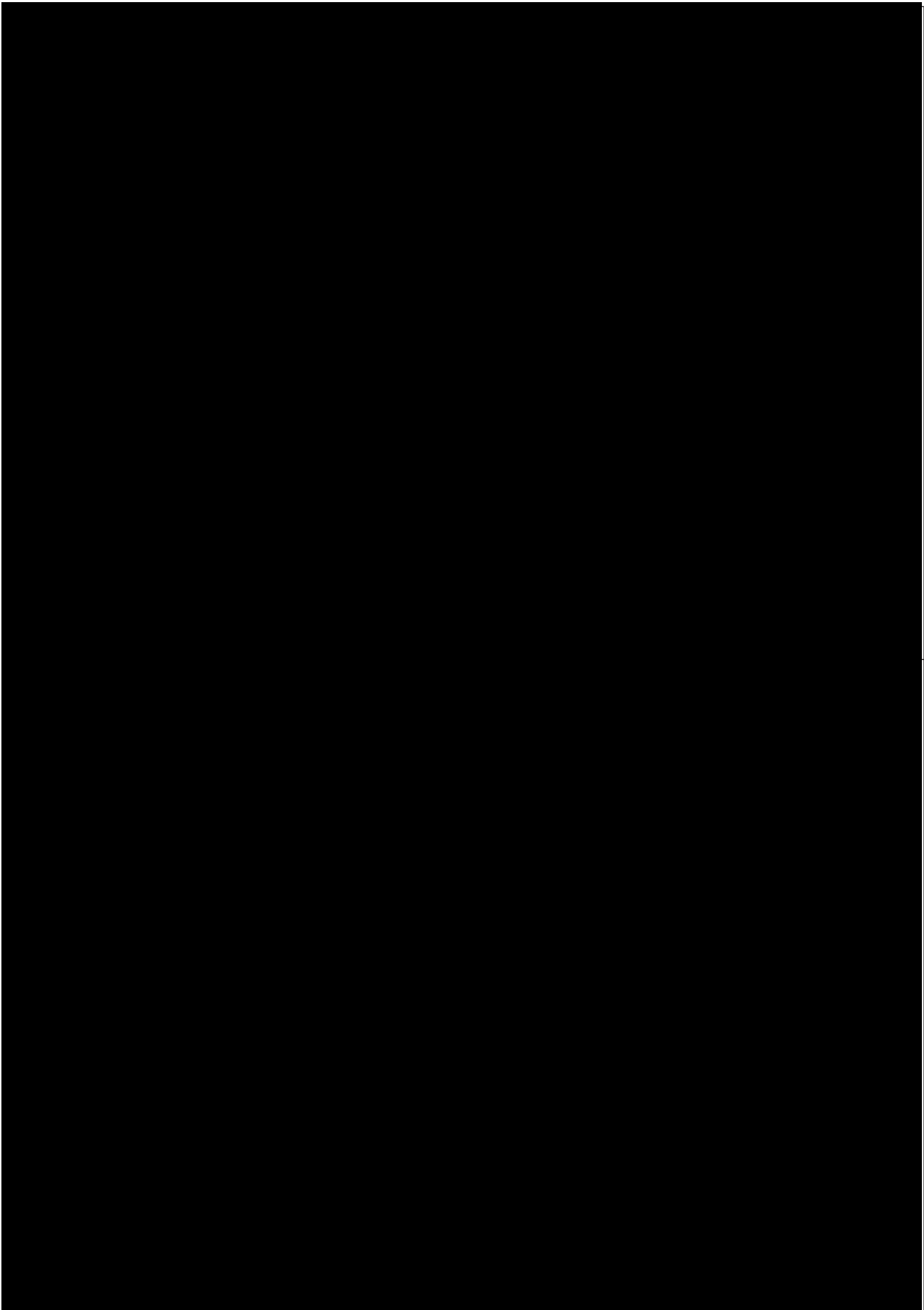
21 MR. KNIGHT: Let's go off he record

22 for just a minute.

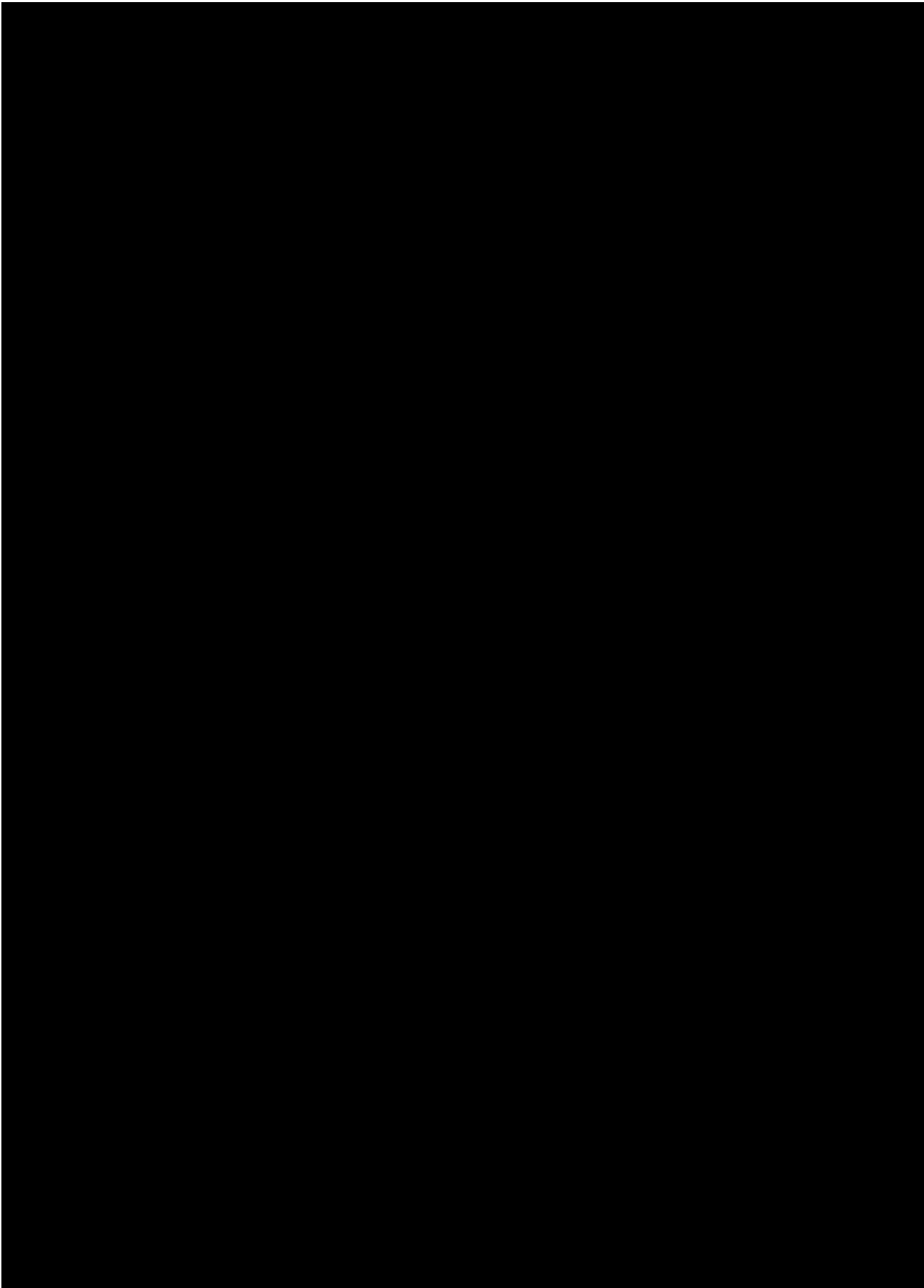
23 MR. ARMSTRONG: Hey, Mike, is there a

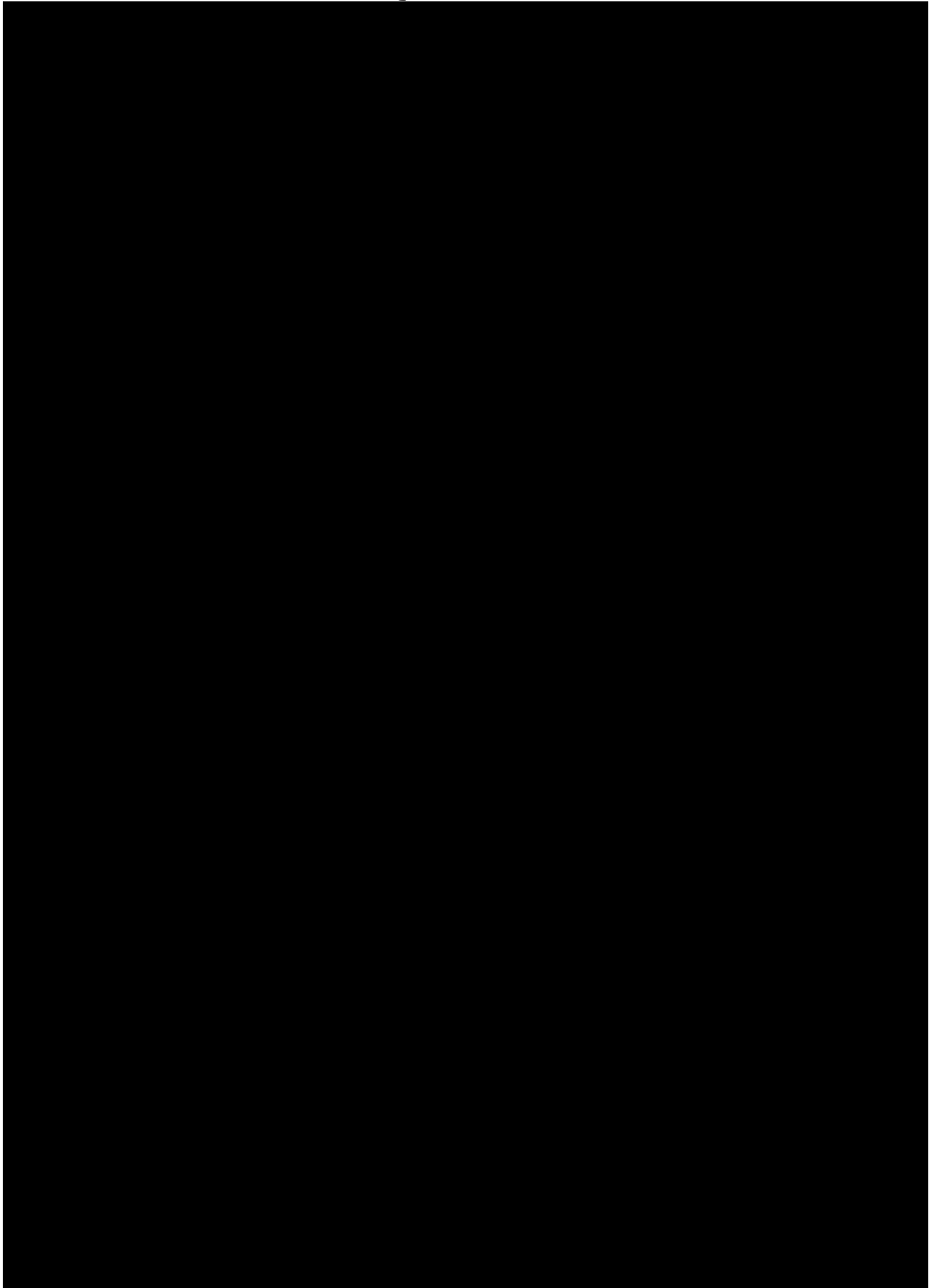
24 way to do it through -- when we were doing

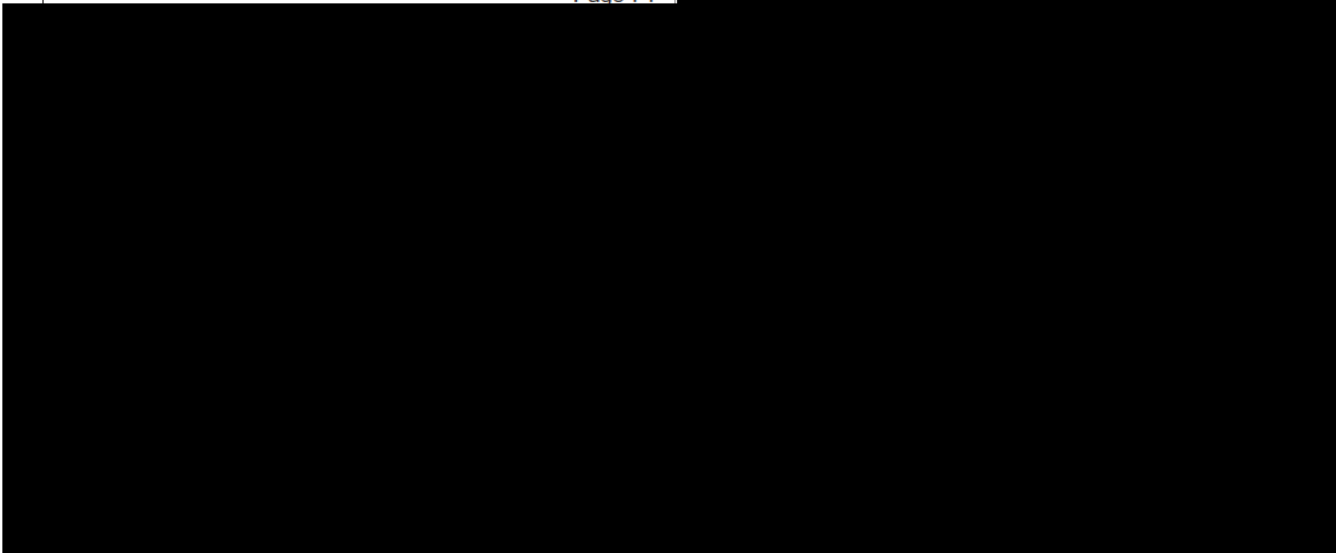
25 depositions previously, we were doing them hrough







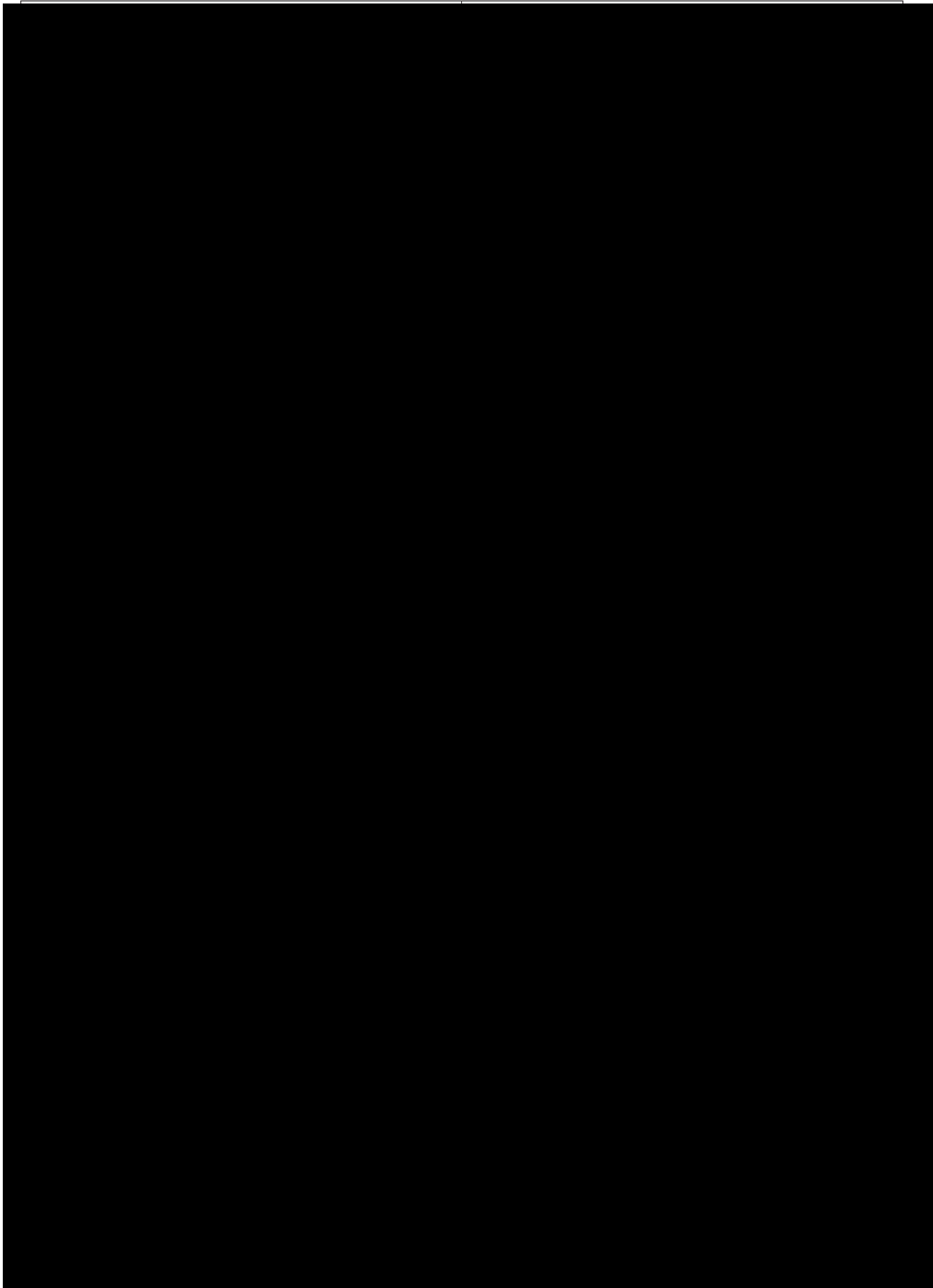


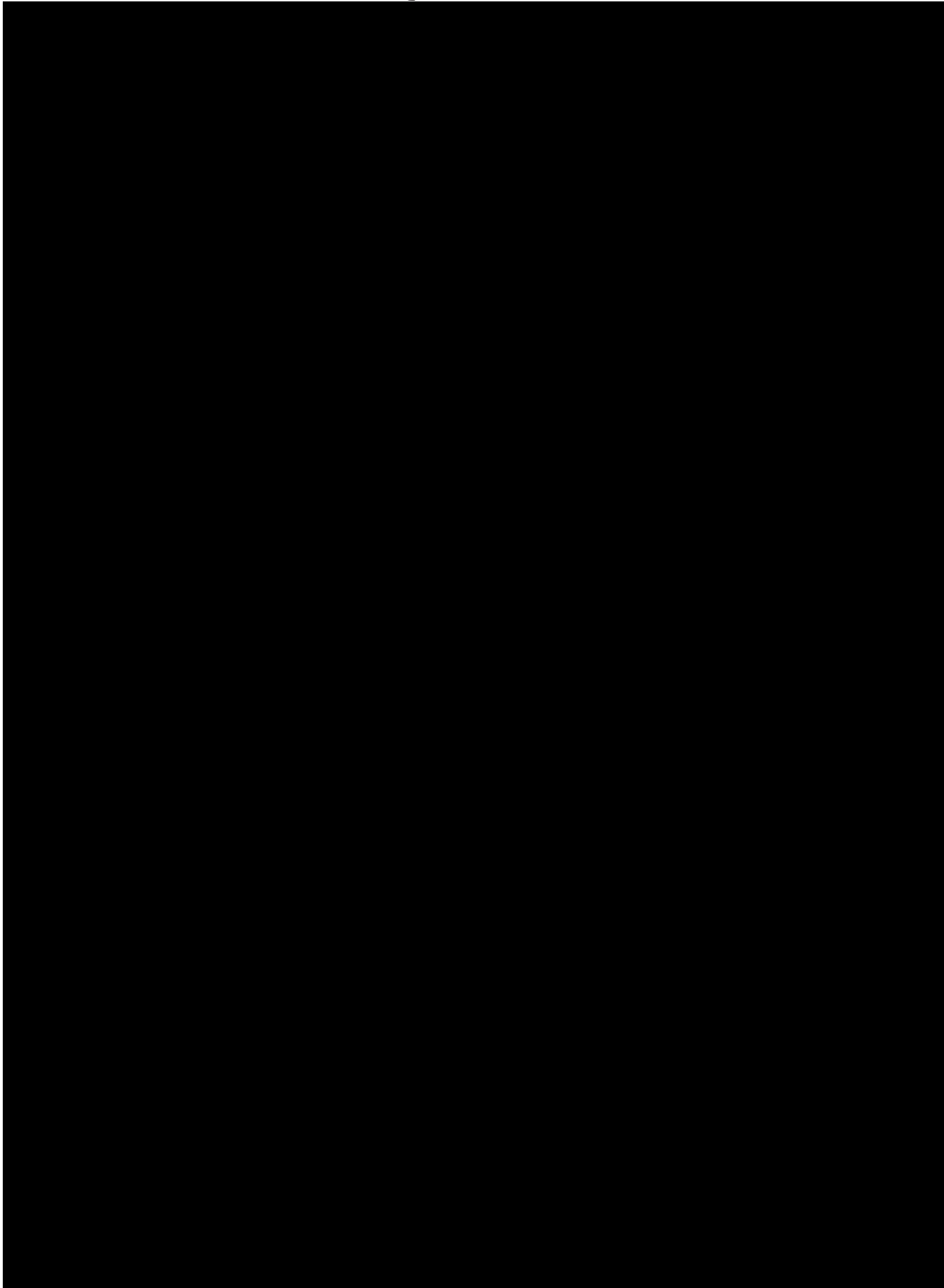


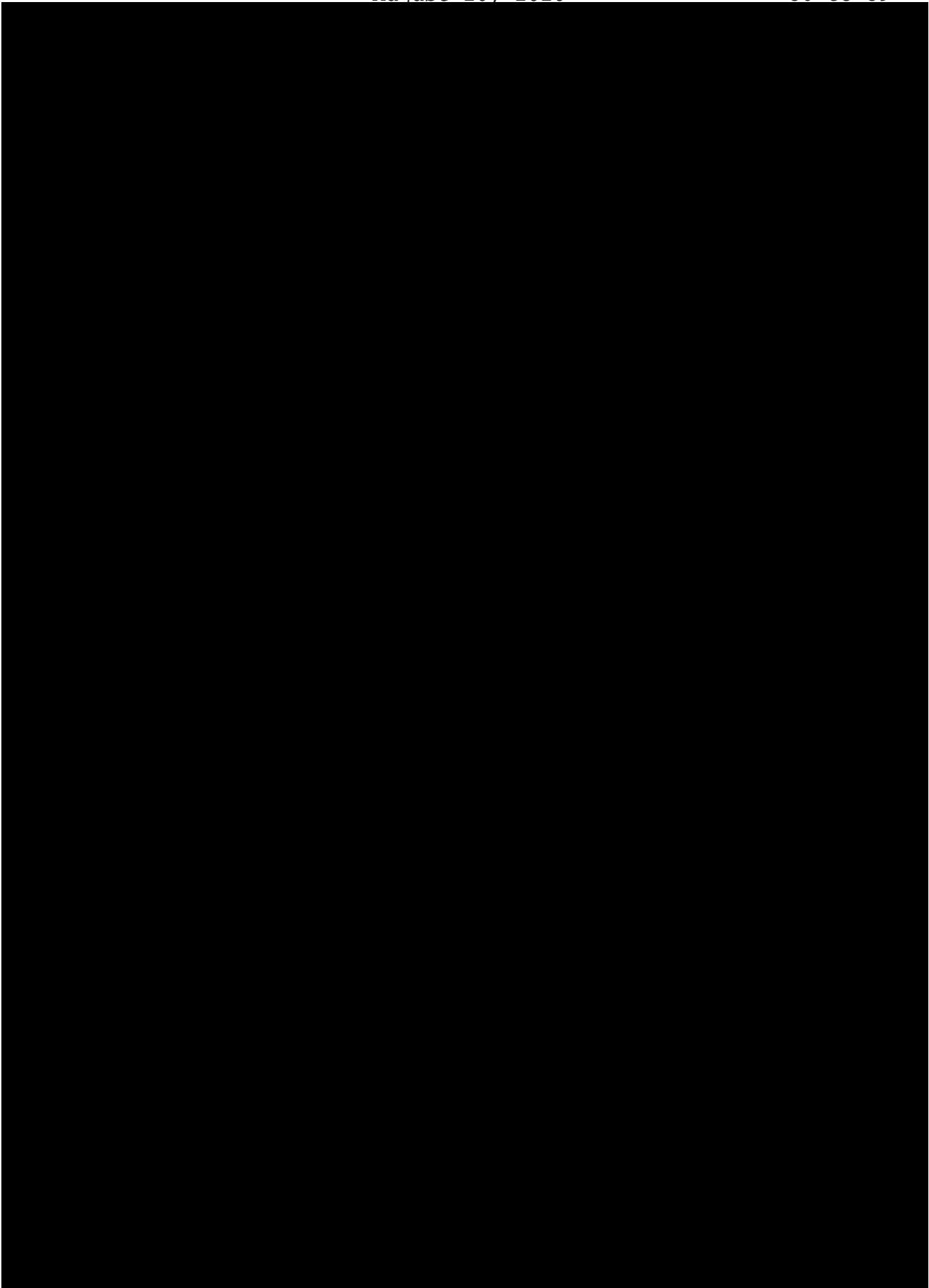
17 MR. KNIGHT: All right. I'm going to  
 18 reserve the rest of my time. I don't have any  
 19 further questions at this point.  
 20 MS. RUDY: I think it might be a good  
 21 time to take a longer break, maybe for lunch. Does  
 22 that sound all right for everyone?  
 23 MR. KNIGHT: Yep.  
 24 MS. RUDY: Let's go off the record.  
 25 And, Tom, how long do you want for

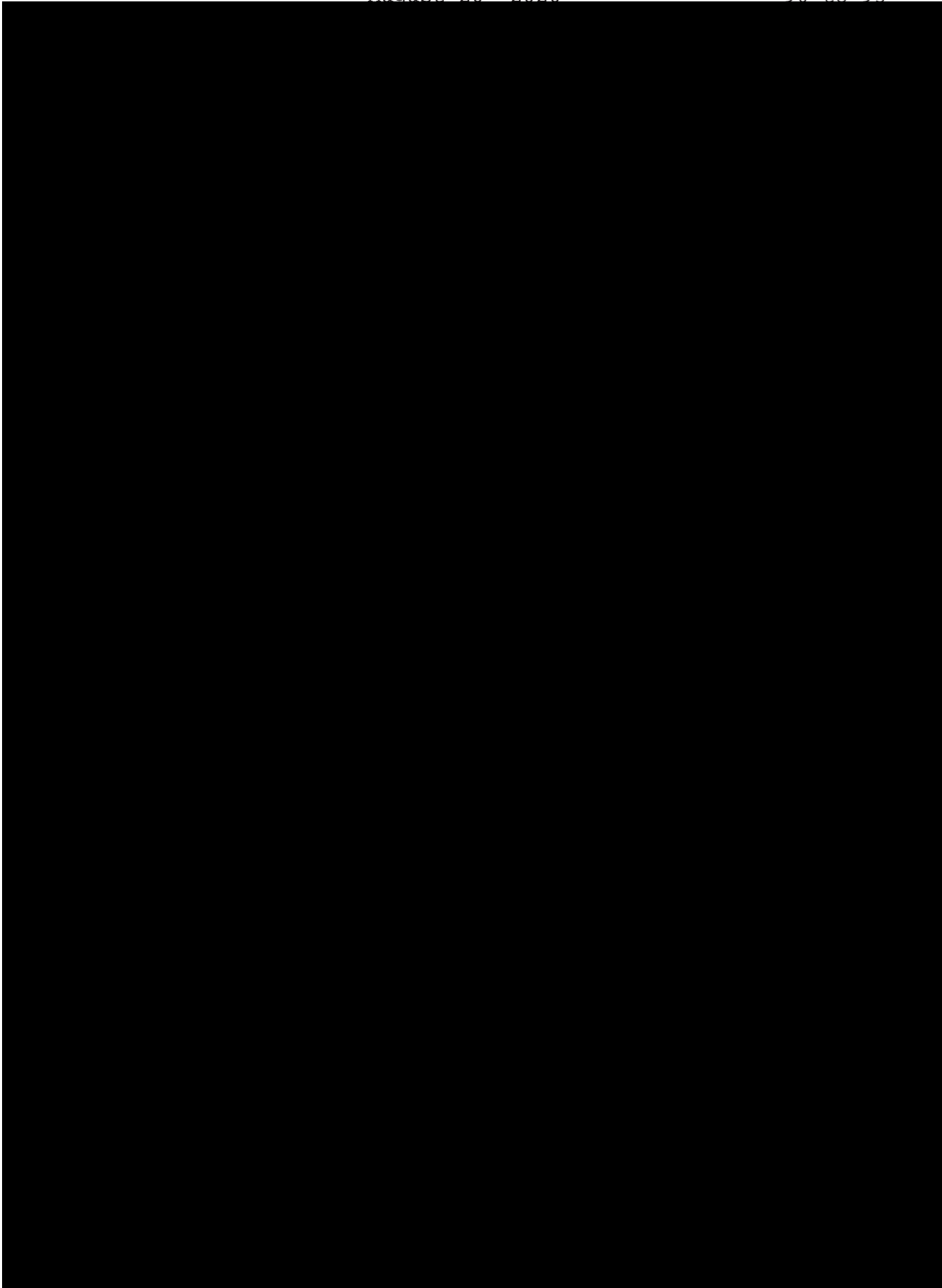
1 lunch?  
 2 THE REPORTER: Wait. Do you want to  
 3 go off the record first?  
 4 MS. RUDY: Sure.  
 5 THE VIDEOGRAPHER: Going off the  
 6 record at 12:28.  
 7 (A lunch recess was taken.)  
 8 THE VIDEOGRAPHER: Back on the record  
 9 at 1:12 p.m.  
 10 EXAMINATION BY MS. RUDY:  
 11 Q. All right, Mr. Guzik. It's my turn  
 12 to ask you some questions now. The rules that Mike  
 13 Knight had outlined earlier will apply to his  
 14 portion of the deposition as well. Are you  
 15 comfortable with that?  
 16 A. I am.

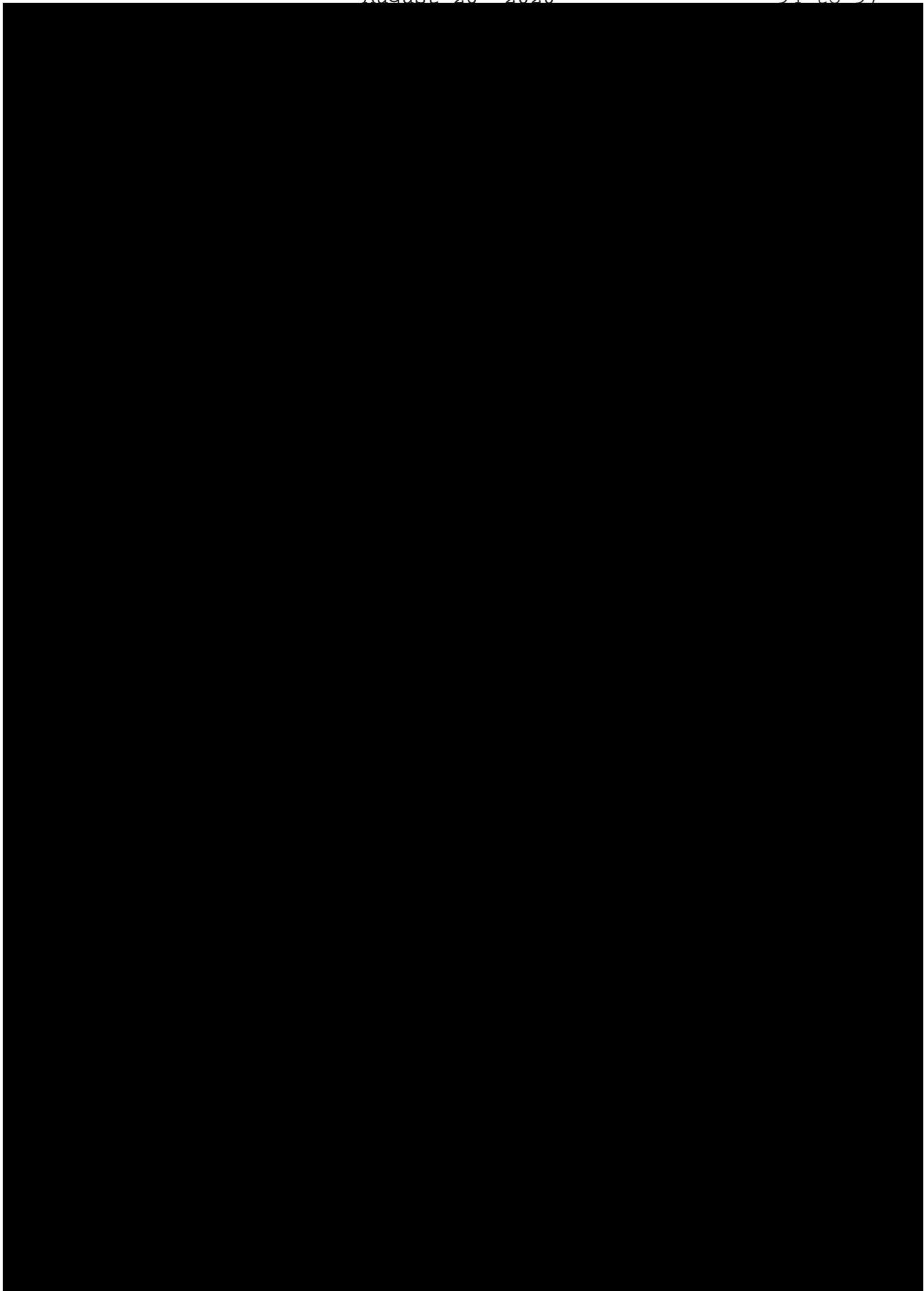




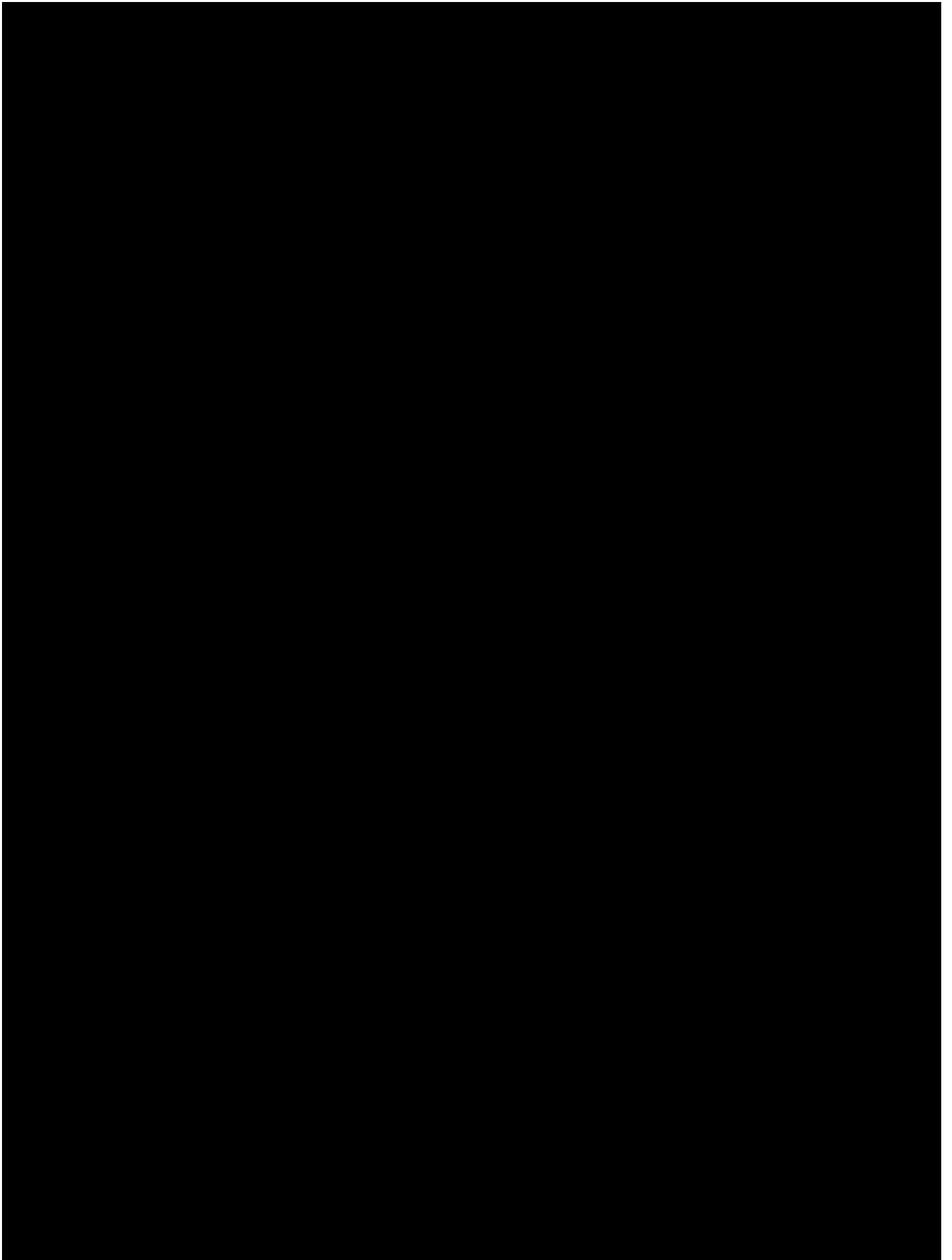


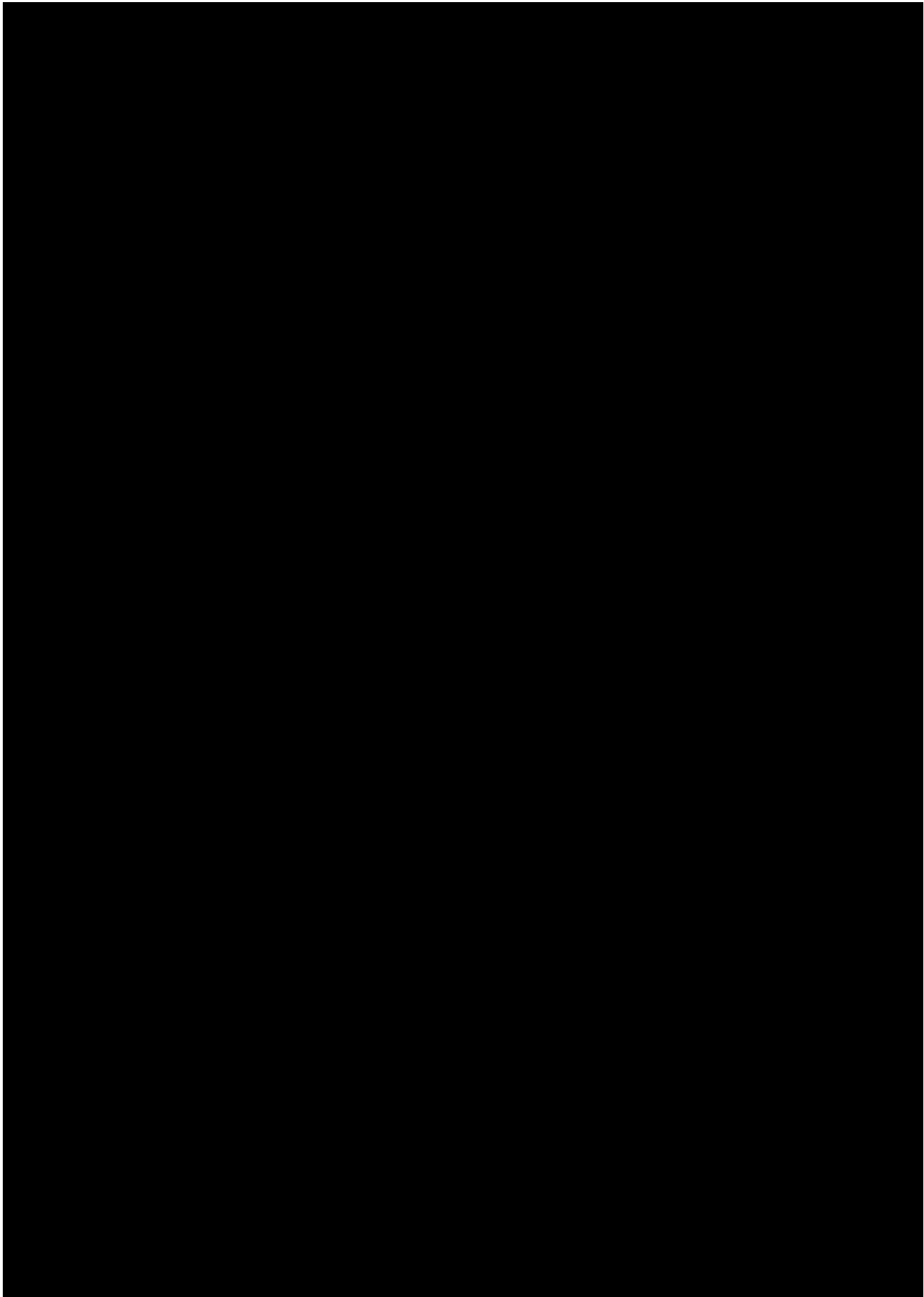


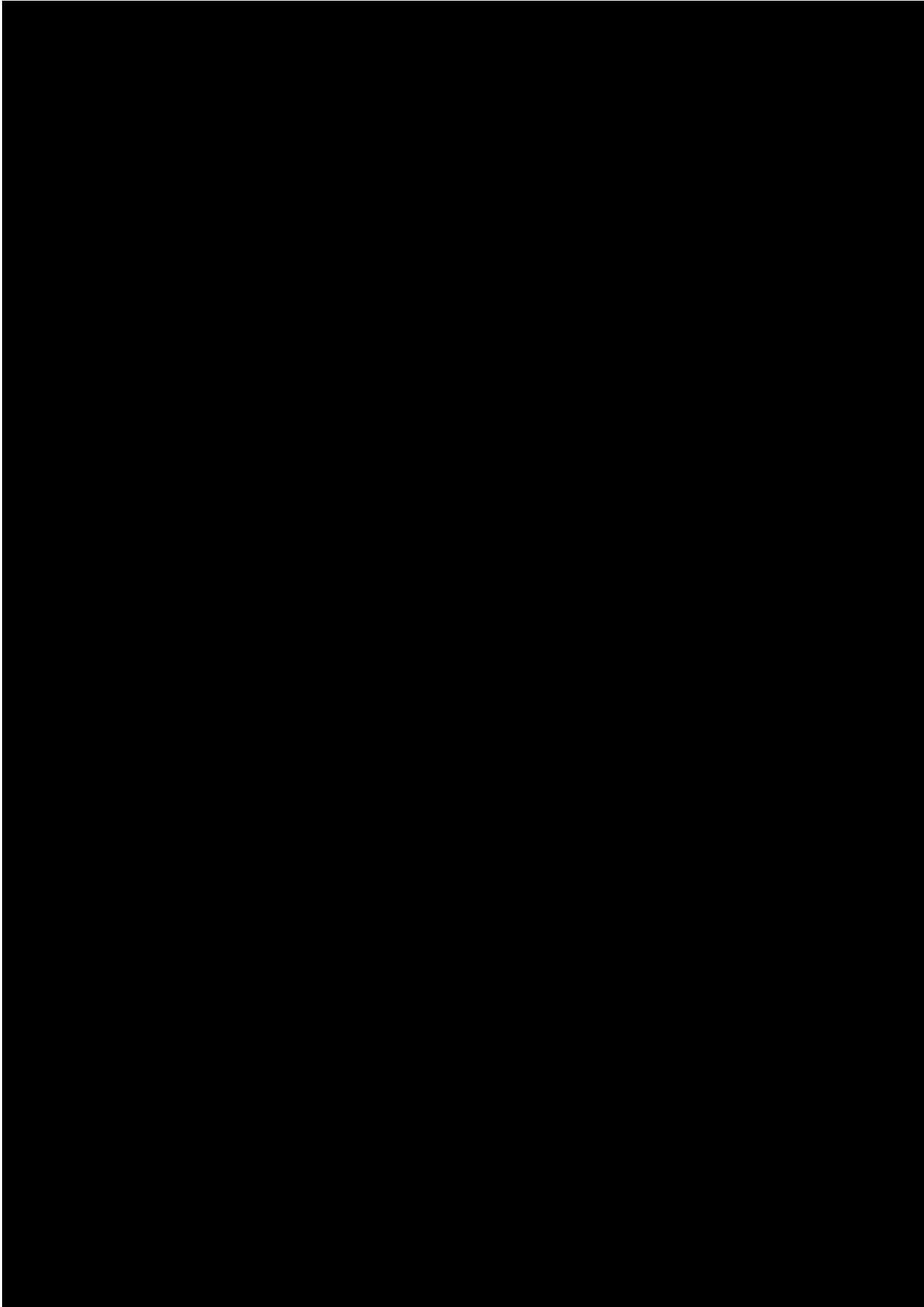


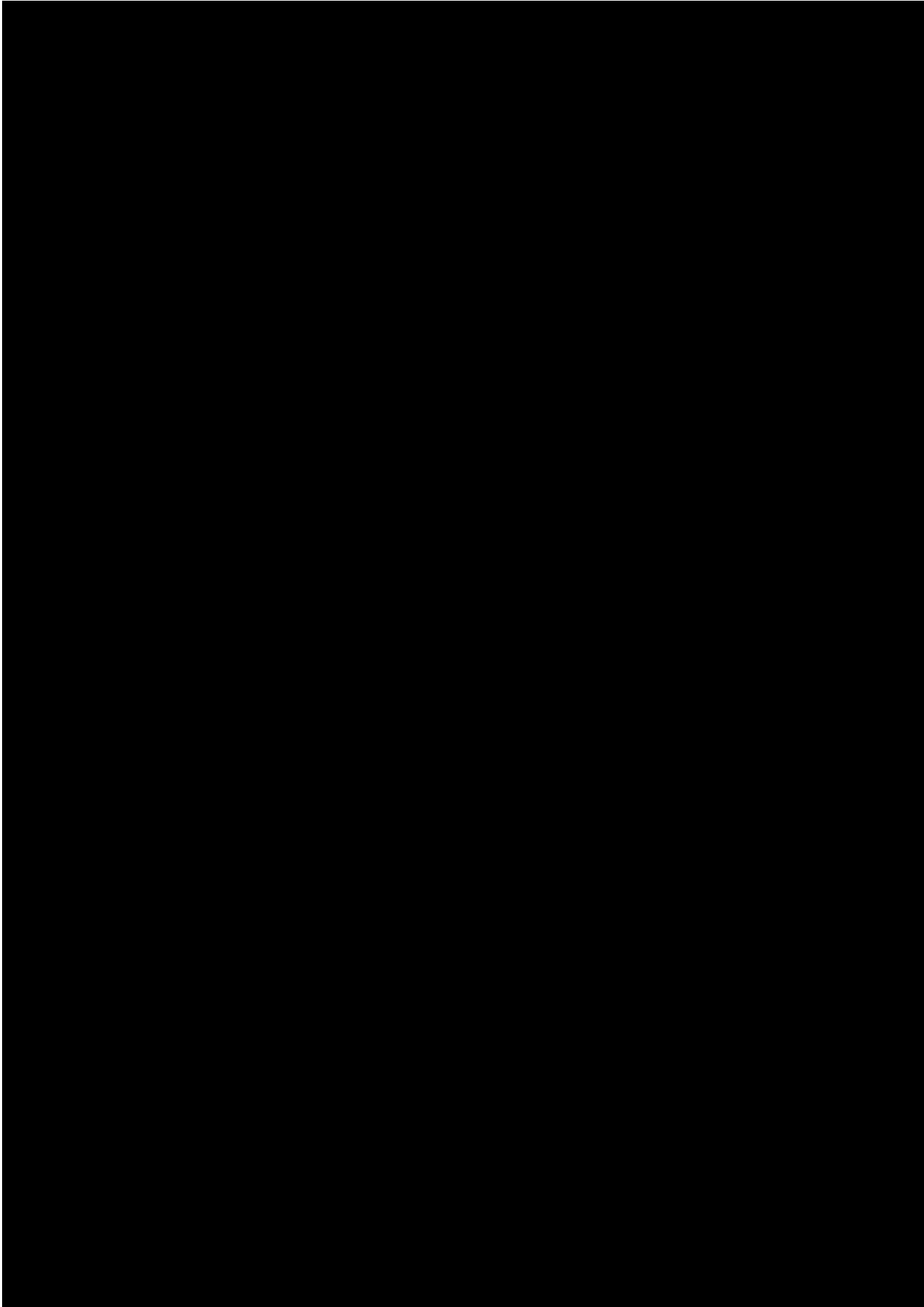


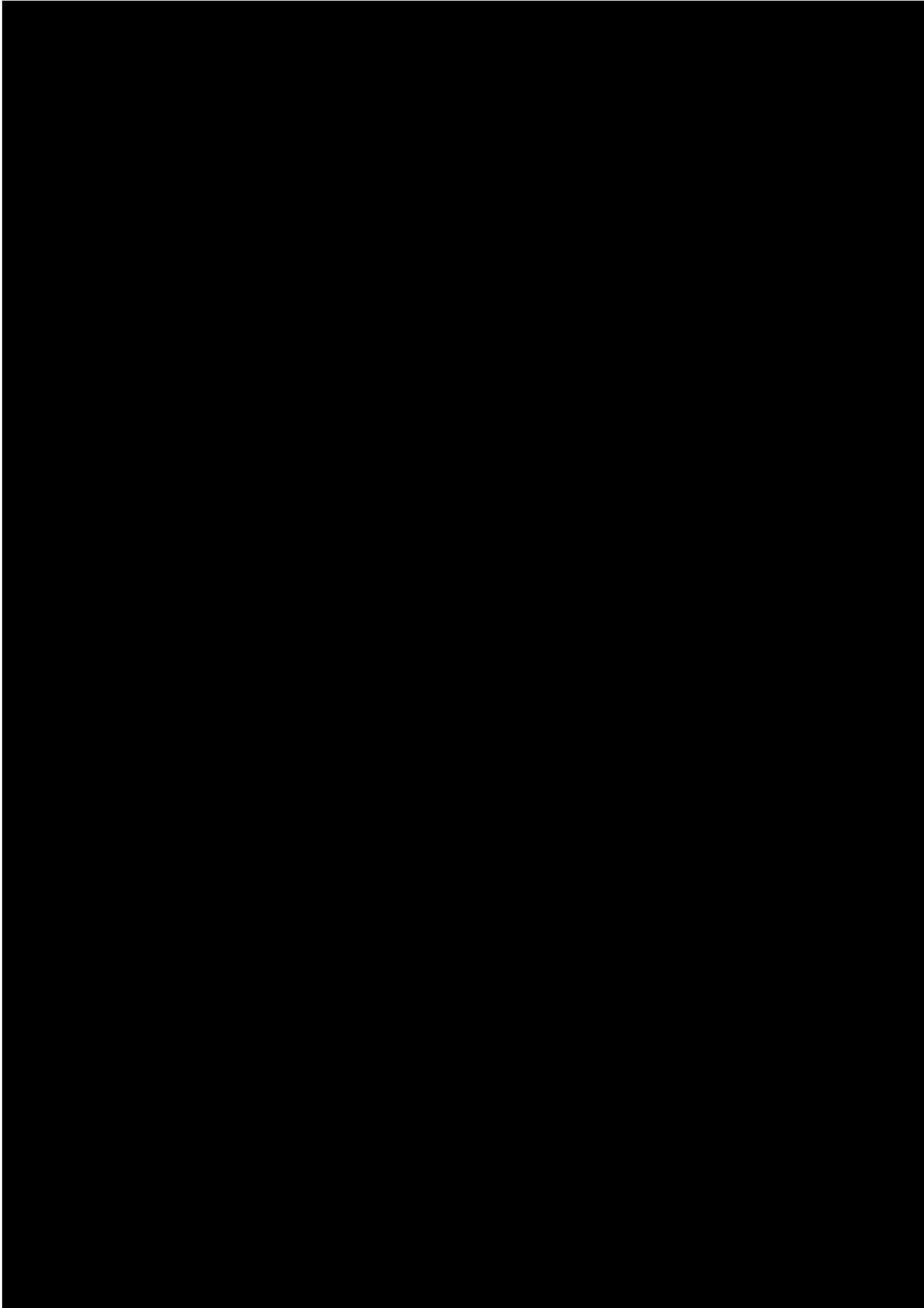


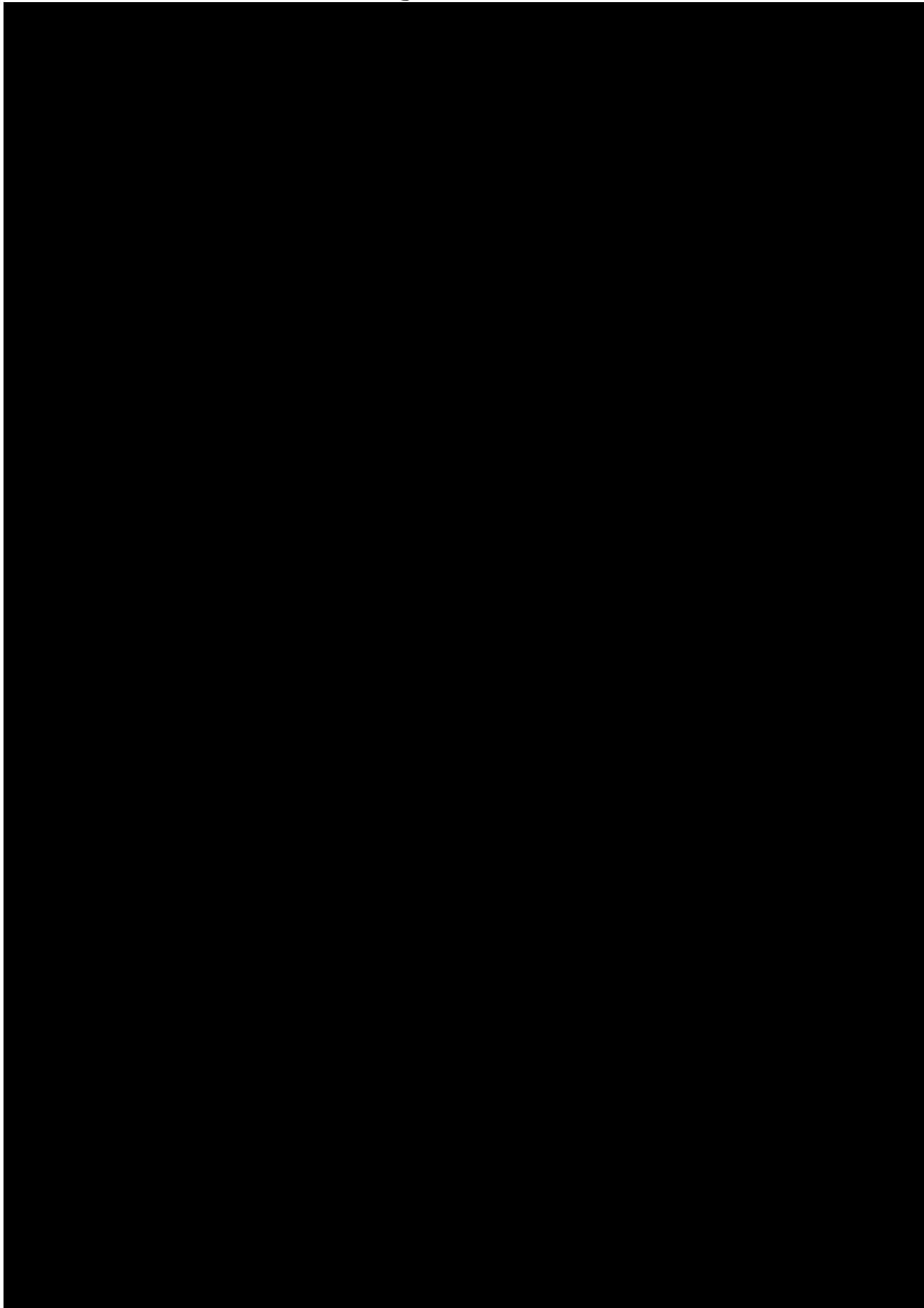


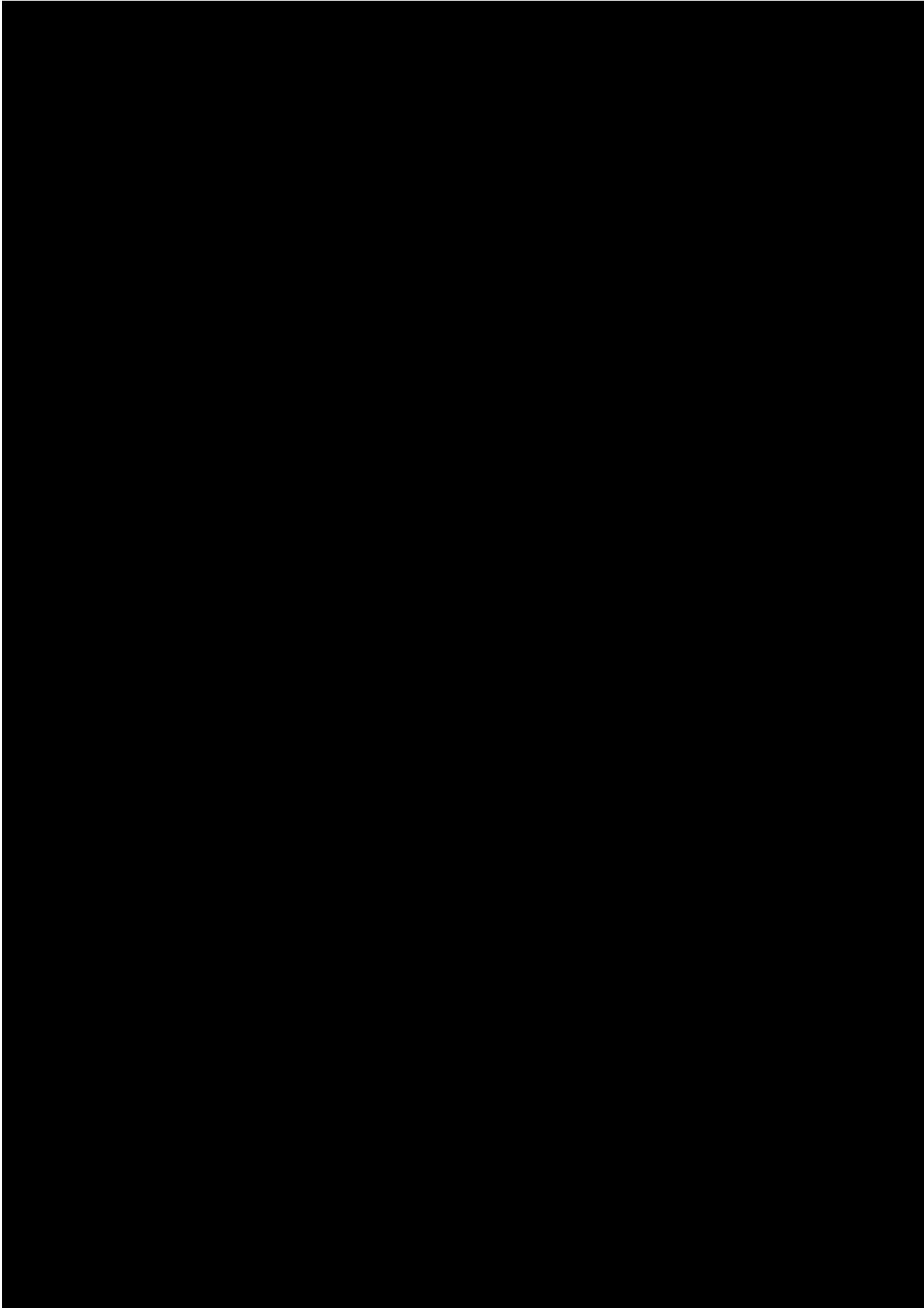


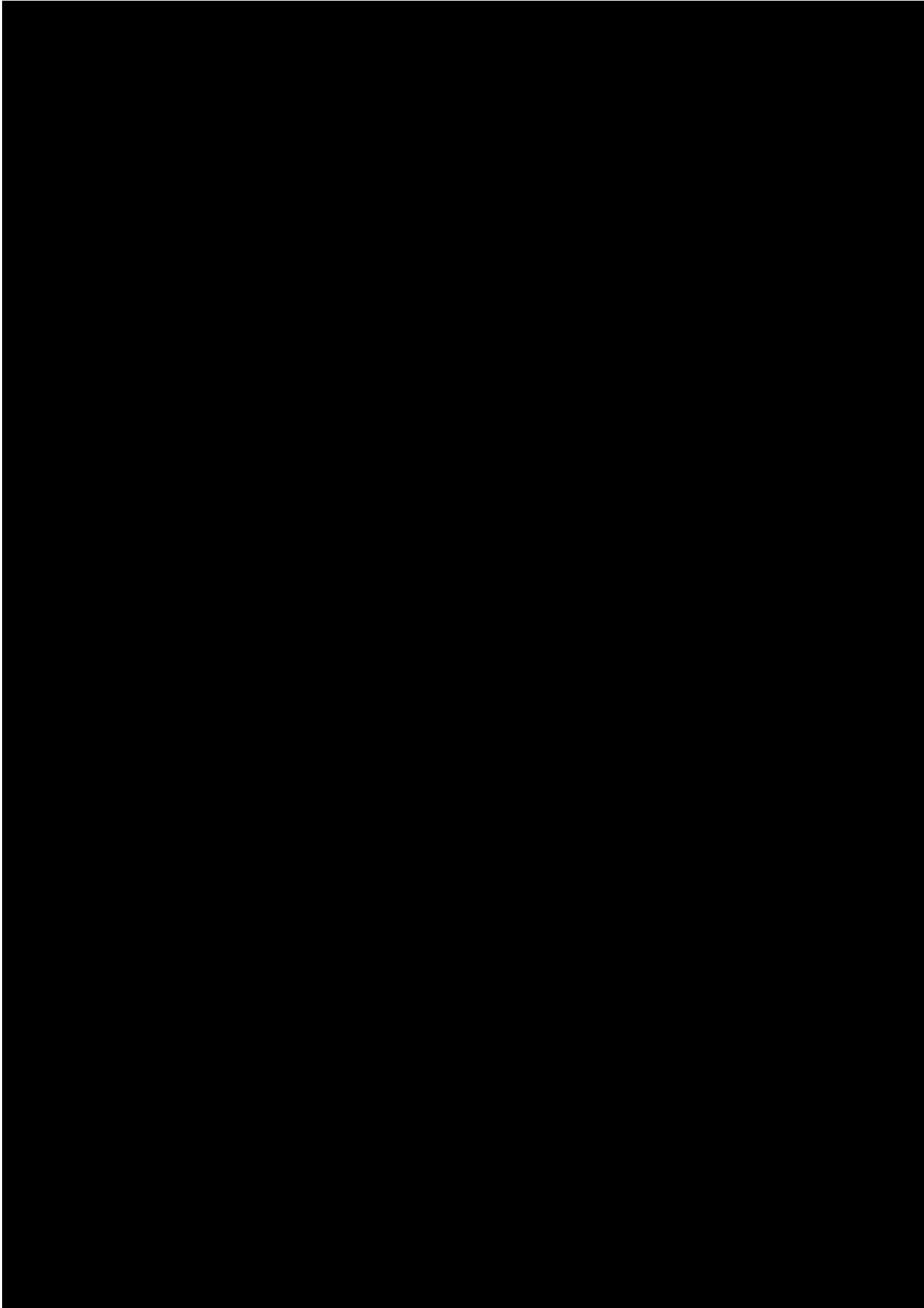




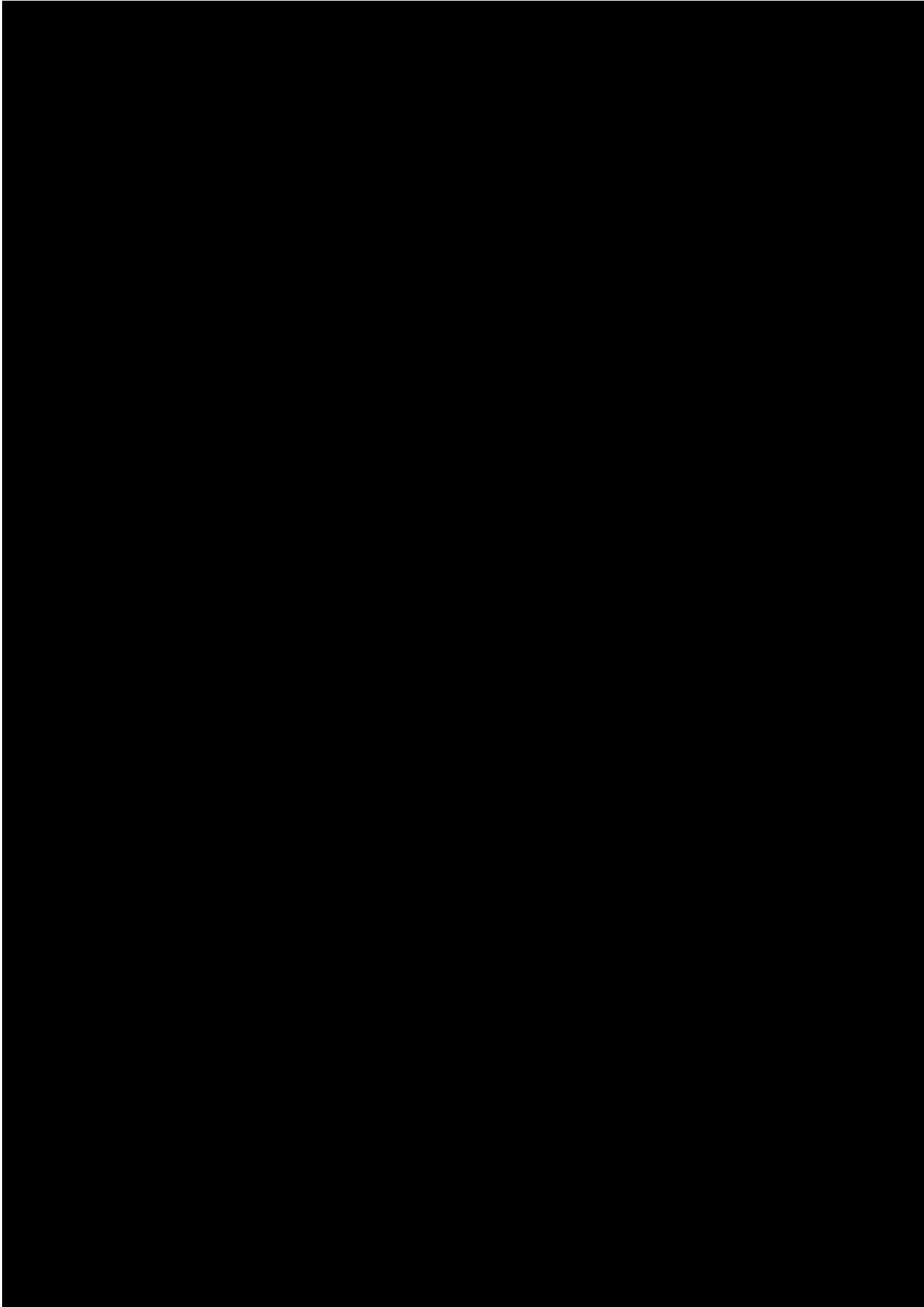


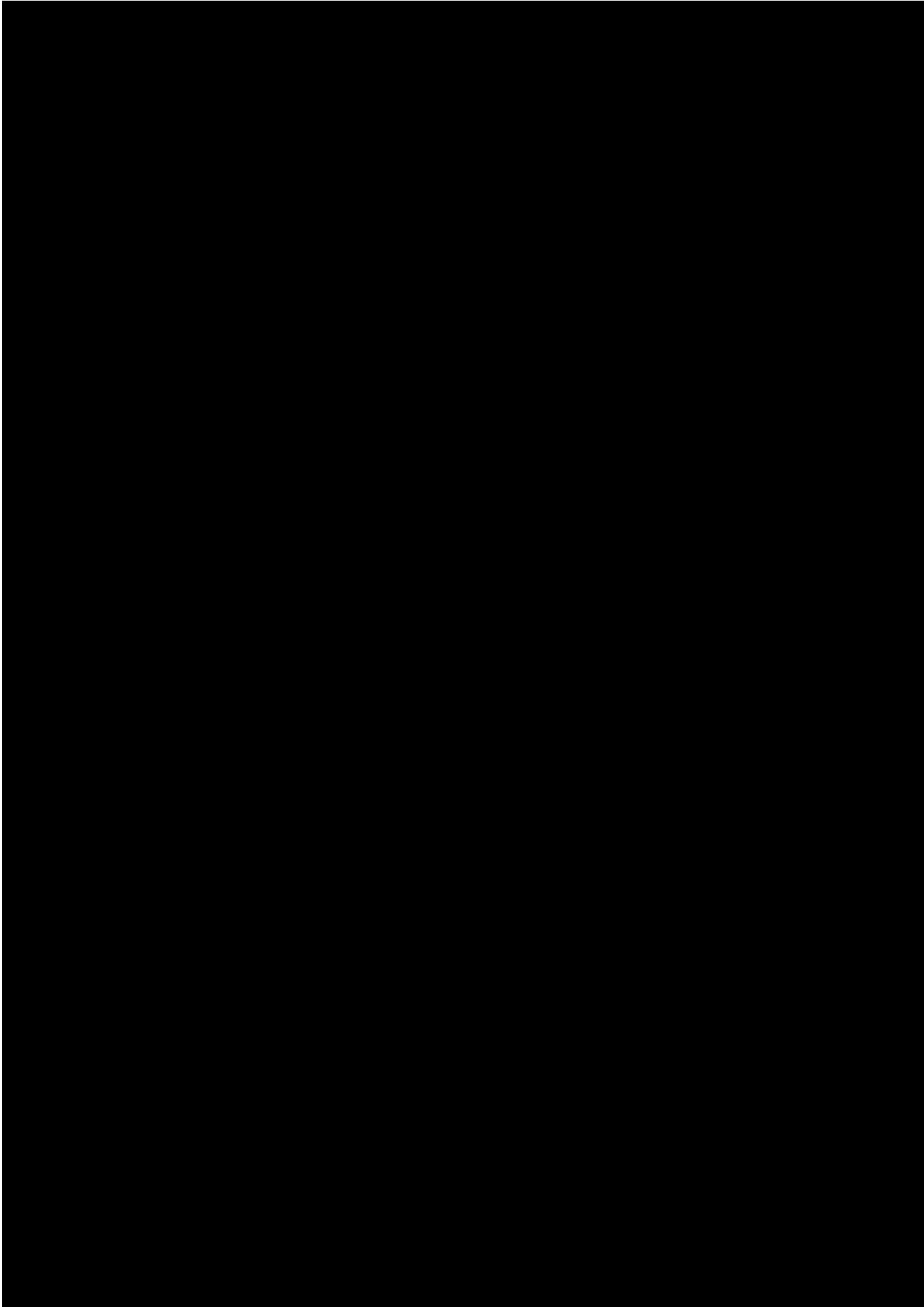


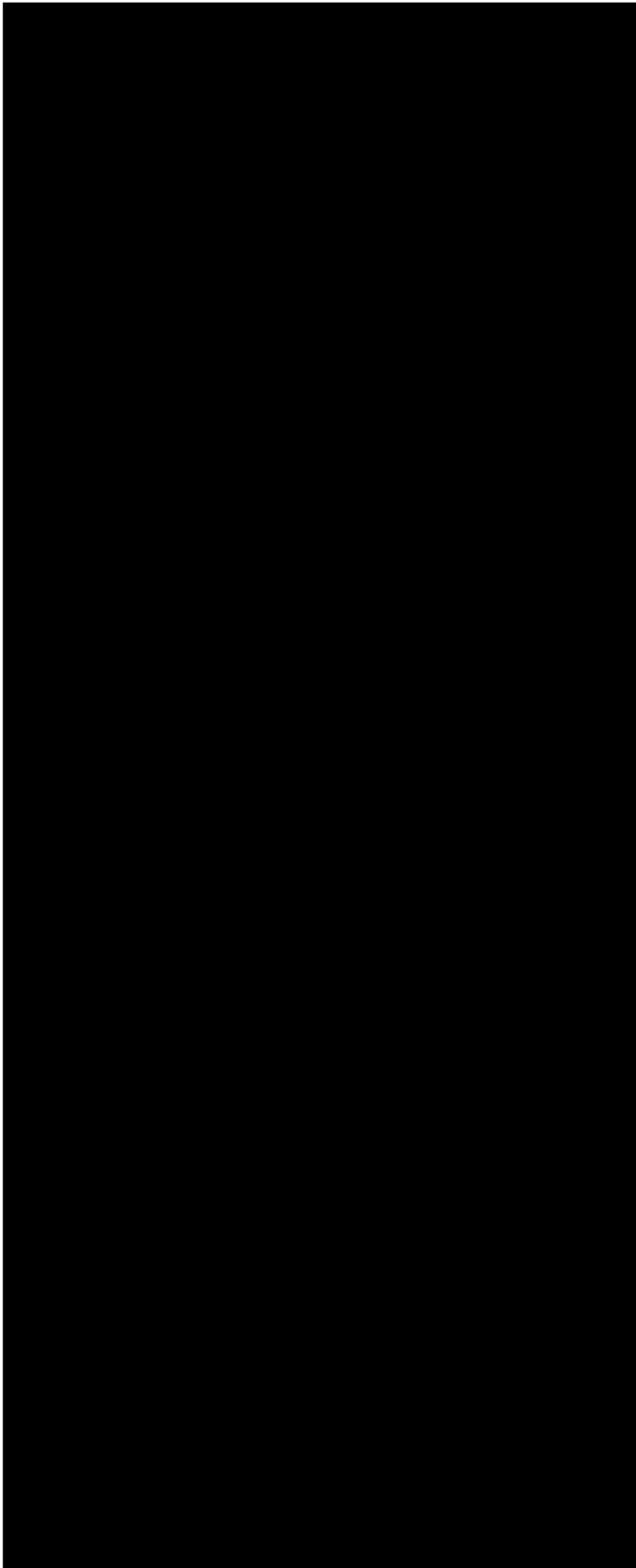












1 body-worn video?

2 A. So – and I'll refer to it as CJIS as

3 a word. The acronym, we turn it into a word.

4 So CJIS is a framework of how,

5 specifically, federal information is treated.

6 So, for instance, if an – if an

7 officer is utilizing identifiable information of a

8 person or identifiable information that's in the

9 federal database, then that data has to go through

10 a – some specific handling concerns, which might

11 involve security and encryption of data, how data is

12 transferred, who gets to see it and so on. So – so

13 every – every agency in the USA has some form of

14 CJIS framework.

15 And CJIS itself is a guideline, so

16 it's not necessarily a – a specific tick boxes. But

17 it creates a guideline that every agency has to then

18 create its – its guidelines and policies, and those

19 are – those are enacted by each specific agency.

20 Q. Is the CJIS framework unique to the

21 United States?

22 A. No. I think every country has some

23 type of security and encryption compliance and some

24 type of data – data handling, and there's more

25 significant policies in other countries.

1 For instance [redacted] has extremely [redacted]

2 strict policies, much stricter than the U.S. And our

3 product has to conform to a higher standard than it

4 does in the United States, and we have to put in

5 specific functions and features and security methods

6 that we don't practice in the United States or have

7 not been desired.

8 And [redacted] is another country that

9 has also security concerns, where their network is

10 disconnected from the – from the Internet

11 completely. So their – each city is connected by

12 itself, but it's not connected to a central location

13 or to another location.

14 And so none of our staff, as an

15 example, have been – have been involved in actually

16 the deployment because of their security standards

17 were dealt with a partner.

18 So – which is equivalent to a

19 top-secret clearance here, you know, which we don't

20 need full law enforcement. We may need full

21 military. That's – that's a necessity there just

22 working with the police department.

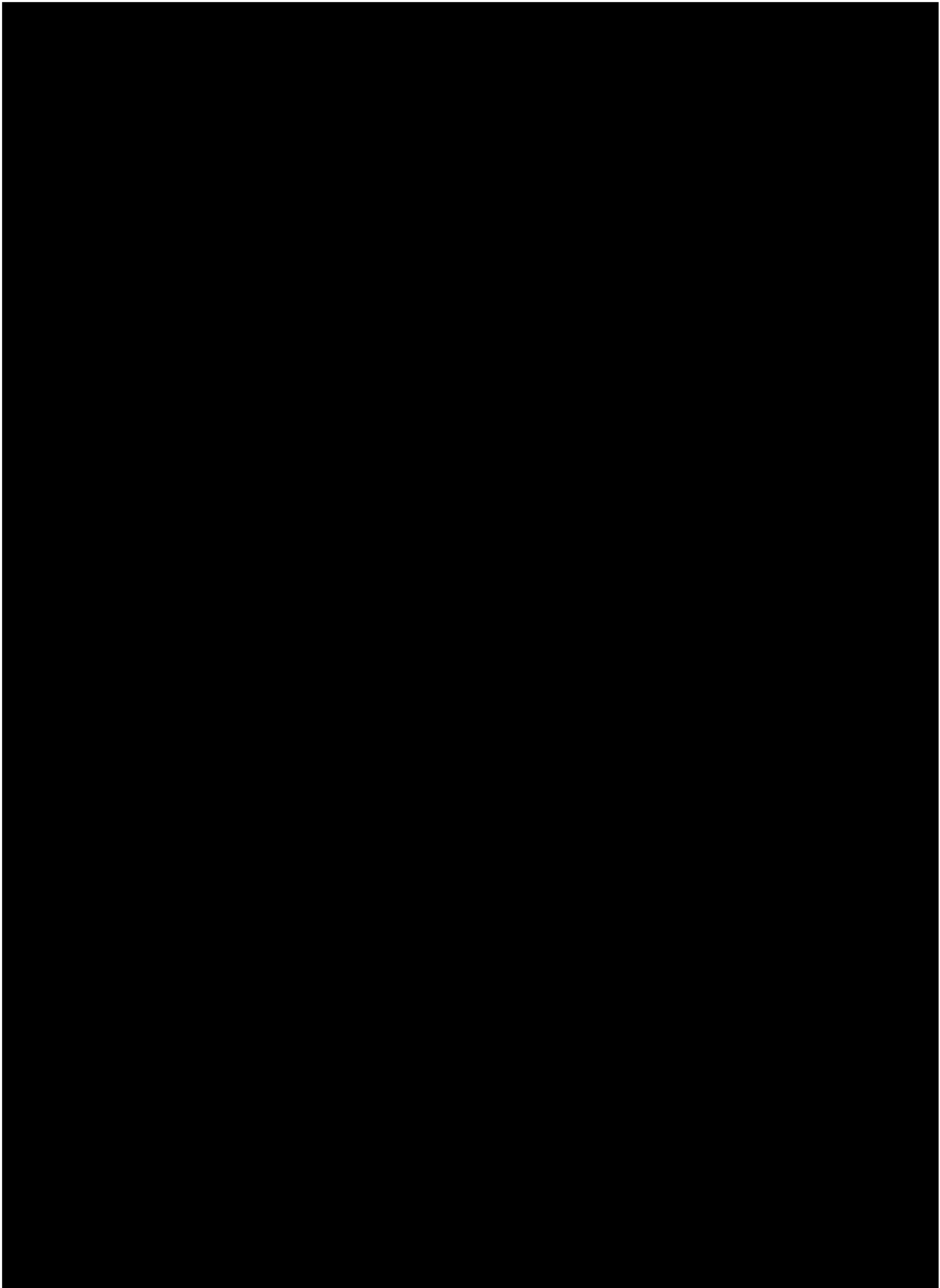
22 Q. Are you familiar with C-J-I-S?

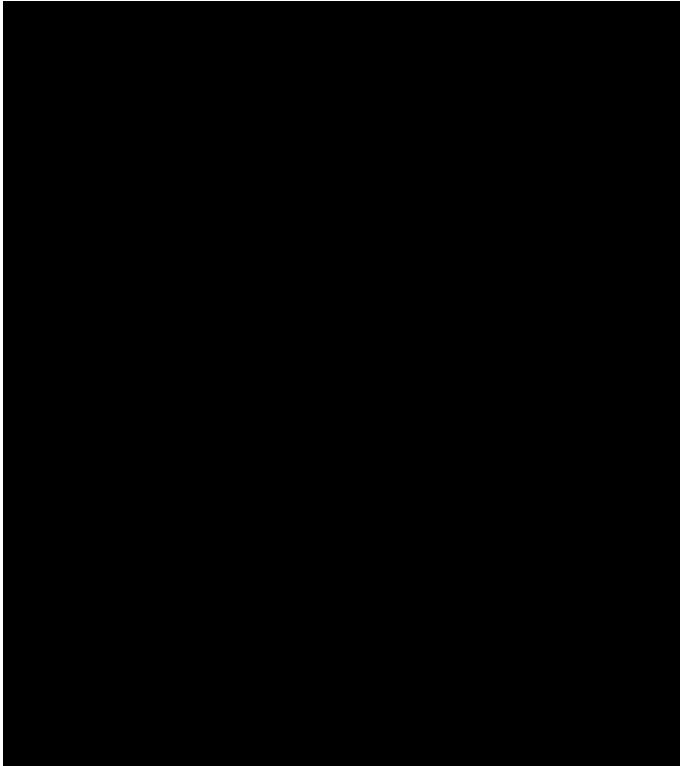
23 A. Yeah, the Criminal Justice

24 Information System framework.

25 Q. Does the CJIS have requirements for

12 MS. RUDY: I'm going to reserve he  
13 remainder of my time. Thank you so much.  
14 And I'll pass the witness to  
15 Mr. Knight.  
16 MR. KNIGHT: Great. Let's take a  
17 short break here. I have 25 after. Let's reconvene  
18 at 45 after.  
19 THE VIDEOGRAPHER: Going off the  
20 record at 3:24.  
21 (A brief recess was taken.)  
22 THE VIDEOGRAPHER: We are back on he  
23 record at 3:45 p.m.  
24 EXAMINATION BY MR. KNIGHT:





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1 BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

2

3 I, Jennifer L. Wielage, CCR No. 30X100191600,  
4 Certified Court Reporter, certify:  
5 That the foregoing proceedings were taken  
6 before me at the time and place therein set forth, at  
7 which time the witness was put under oath by me;  
8 That the testimony of the witness, the  
9 questions propounded, and all objections and  
10 statements made at the time of the examination were  
11 recorded stenographically by me and were thereafter  
12 transcribed;  
13 That a review of the transcript by the  
14 deponent was not requested;  
15 That the foregoing is a true and correct  
16 transcript of my shorthand notes so taken.  
17 I further certify that I am not a relative or  
18 employee of any attorney of the parties, nor  
19 financially interested in the action.  
20 I declare under penalty of perjury that the  
21 foregoing is true and correct.

22 MR. KNIGHT: That's all that I have.  
23 MS. RUDY: I don't have any follow-up  
24 questions.  
25 MR. KNIGHT: Okay. I think we can go

22 Dated this 26th day of August 2020.  
23 \_\_\_\_\_  
24 Jennifer L. Wielage, CCR, RPR, CRR.  
25

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1 off the record.  
2 THE VIDEOGRAPHER: Okay. This  
3 concludes the deposition for Tom Guzik for today,  
4 August 26th. We're going off the record at 3:58.  
5 THE REPORTER: Norm, are you ordering  
6 a copy.  
7 MR. ARMSTRONG: Yeah, we'll order a  
8 copy.  
9 (Deposition concluded at 4:00 p.m.)  
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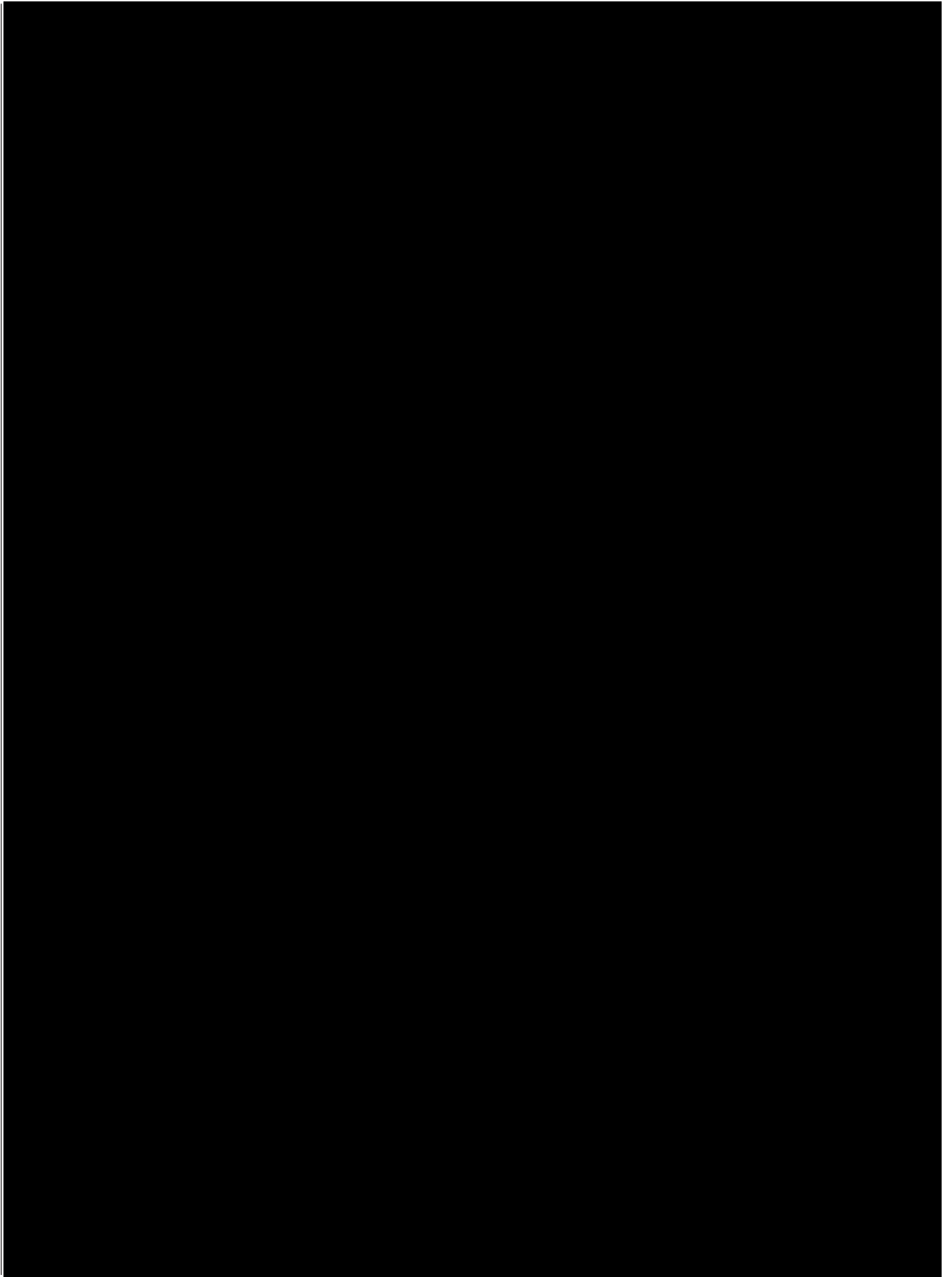
Page 153

1 I have read the foregoing transcript of  
2 my deposition given on August 26, 2020, and  
3 it is true, correct and complete, to the best  
4 of my knowledge, recollection and belief,  
5 except for the corrections noted hereon  
6 and/or list of corrections, if any, attached  
7 on a separate sheet herewith.  
8  
9  
10  
11  
12 \_\_\_\_\_  
13 TOM GUZIK  
14  
15  
16  
17 Subscribed and sworn to  
18 before me this \_\_\_\_ day  
19 of \_\_\_\_\_, 2020.  
20  
21  
22 \_\_\_\_\_  
23 Notary Public  
24  
25

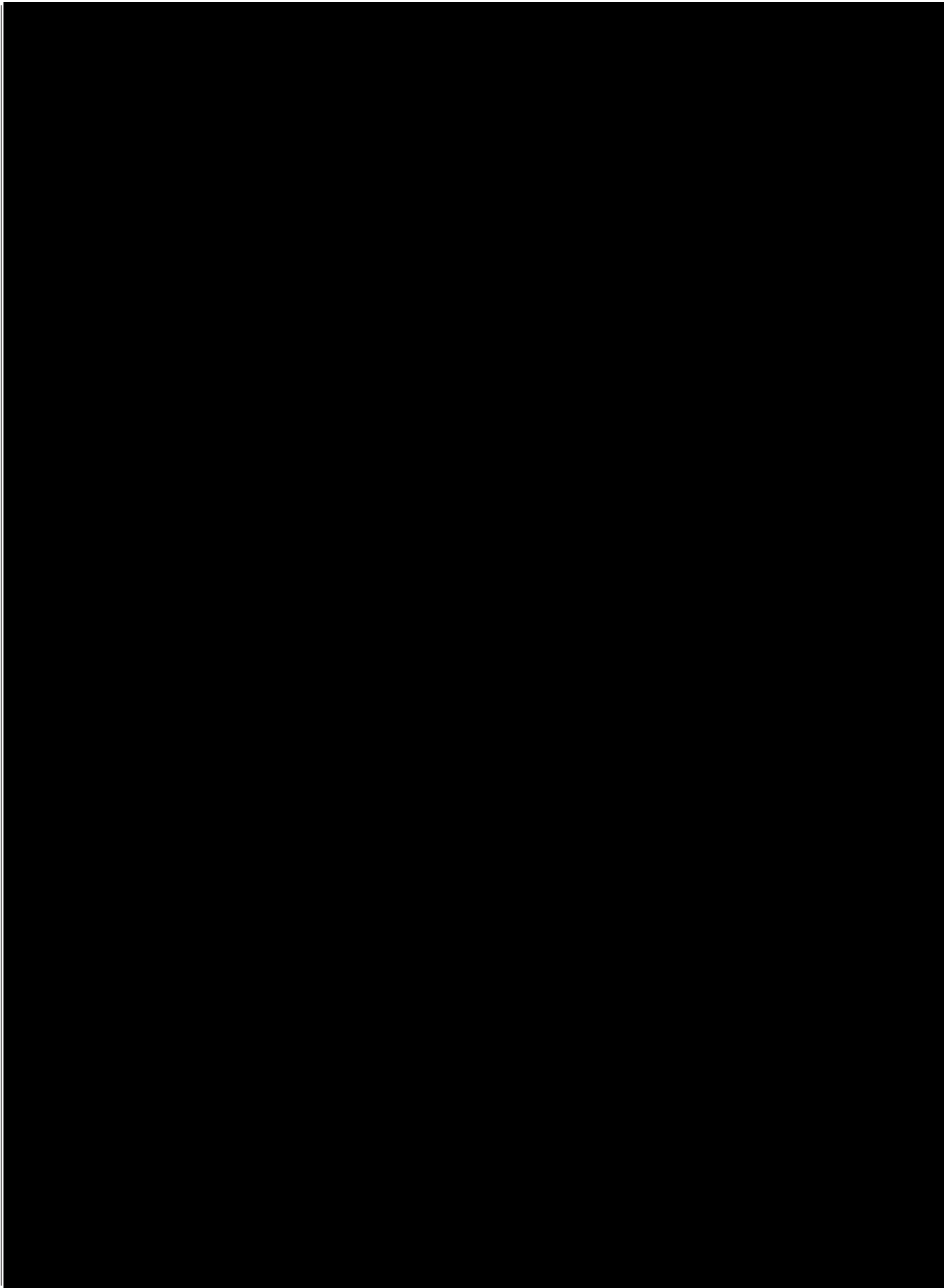
1 ERRATA SHEET  
2 I, TOM GUZIK, do hereby certify that I  
3 have read the foregoing transcript of my testimony, and  
4 further certify that it is a true and accurate record  
5 of my testimony (with the exception of the corrections  
6 listed below).

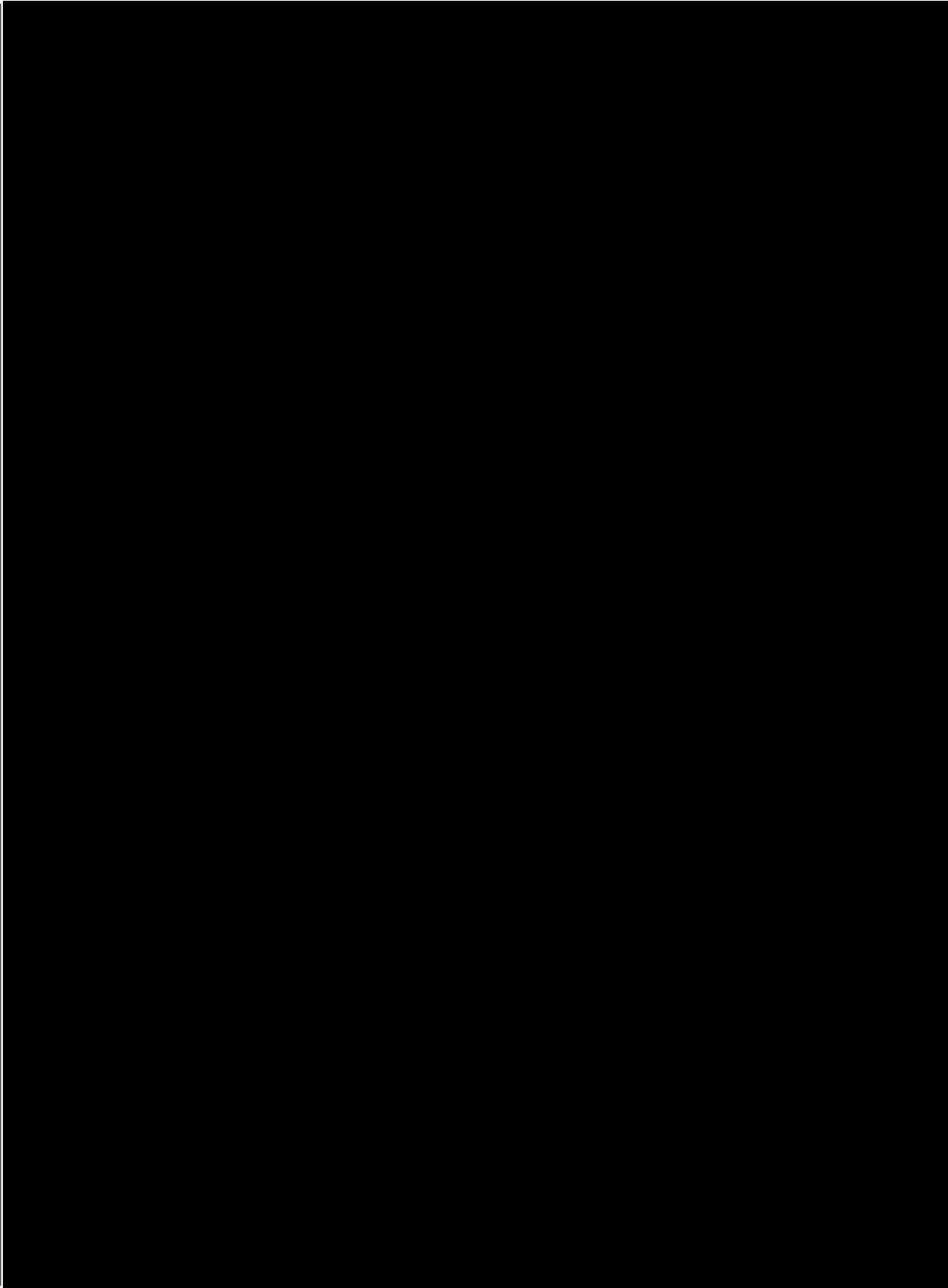
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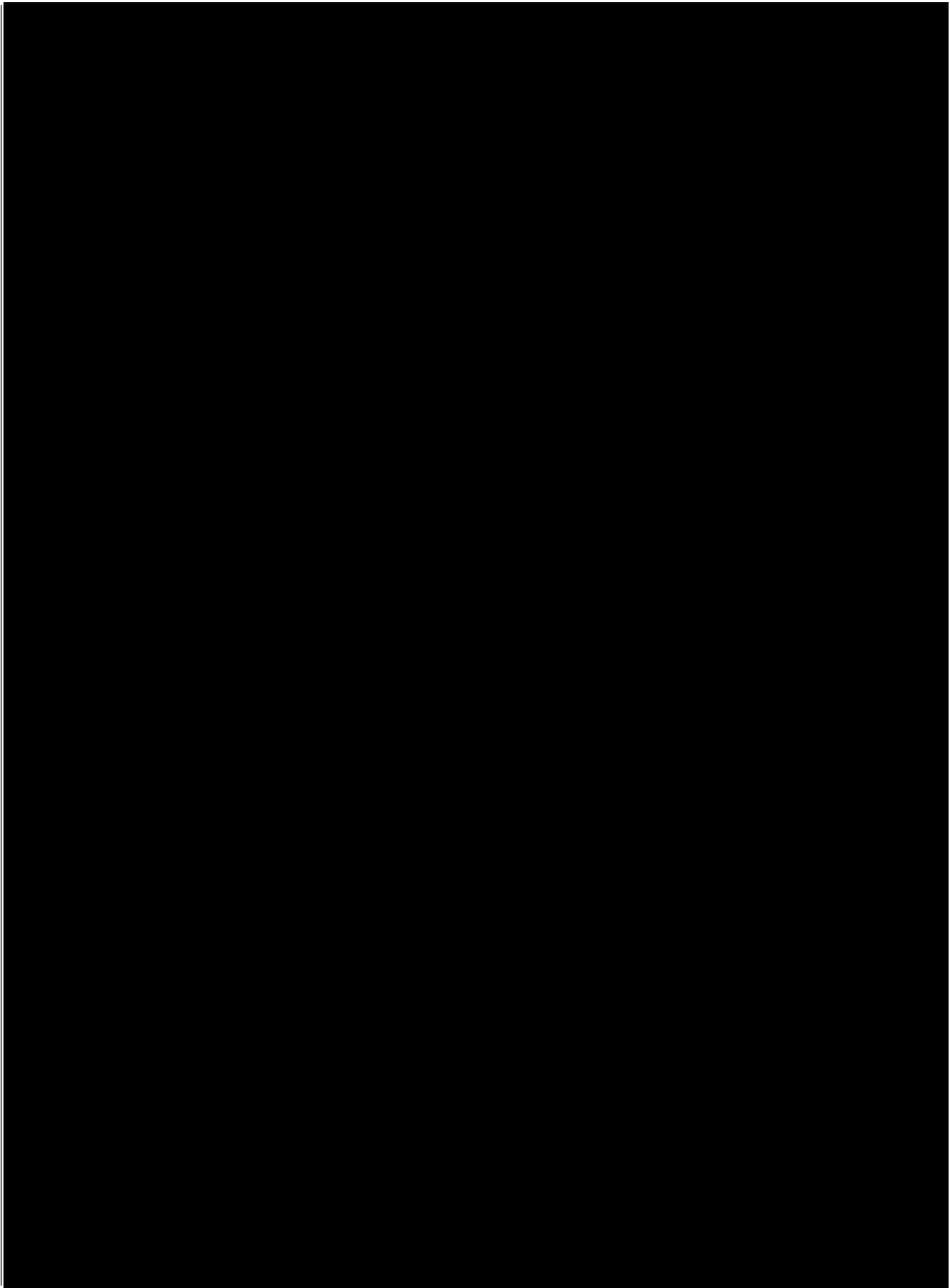
\_\_\_\_\_  
25 Date TOM GUZIK

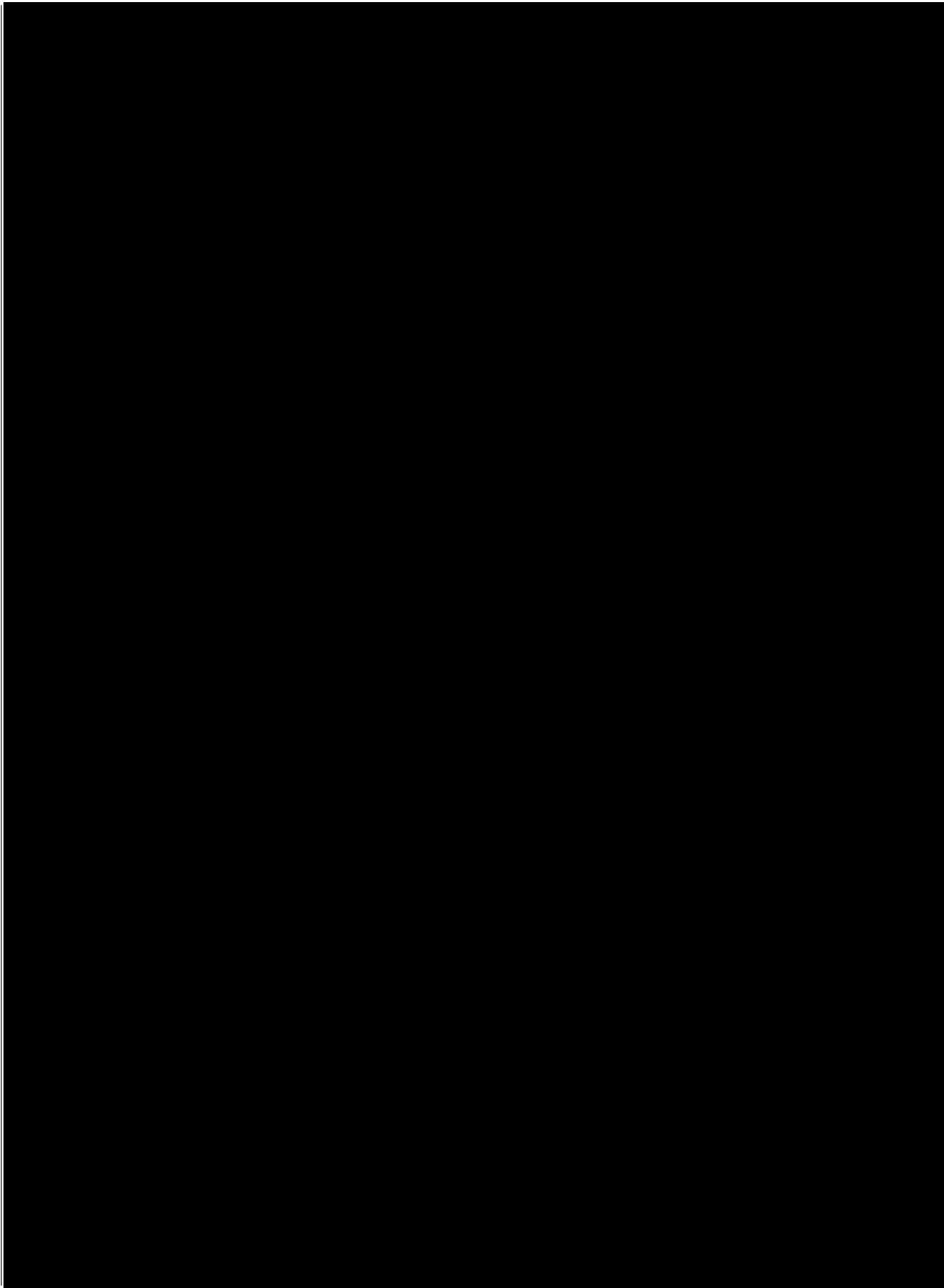


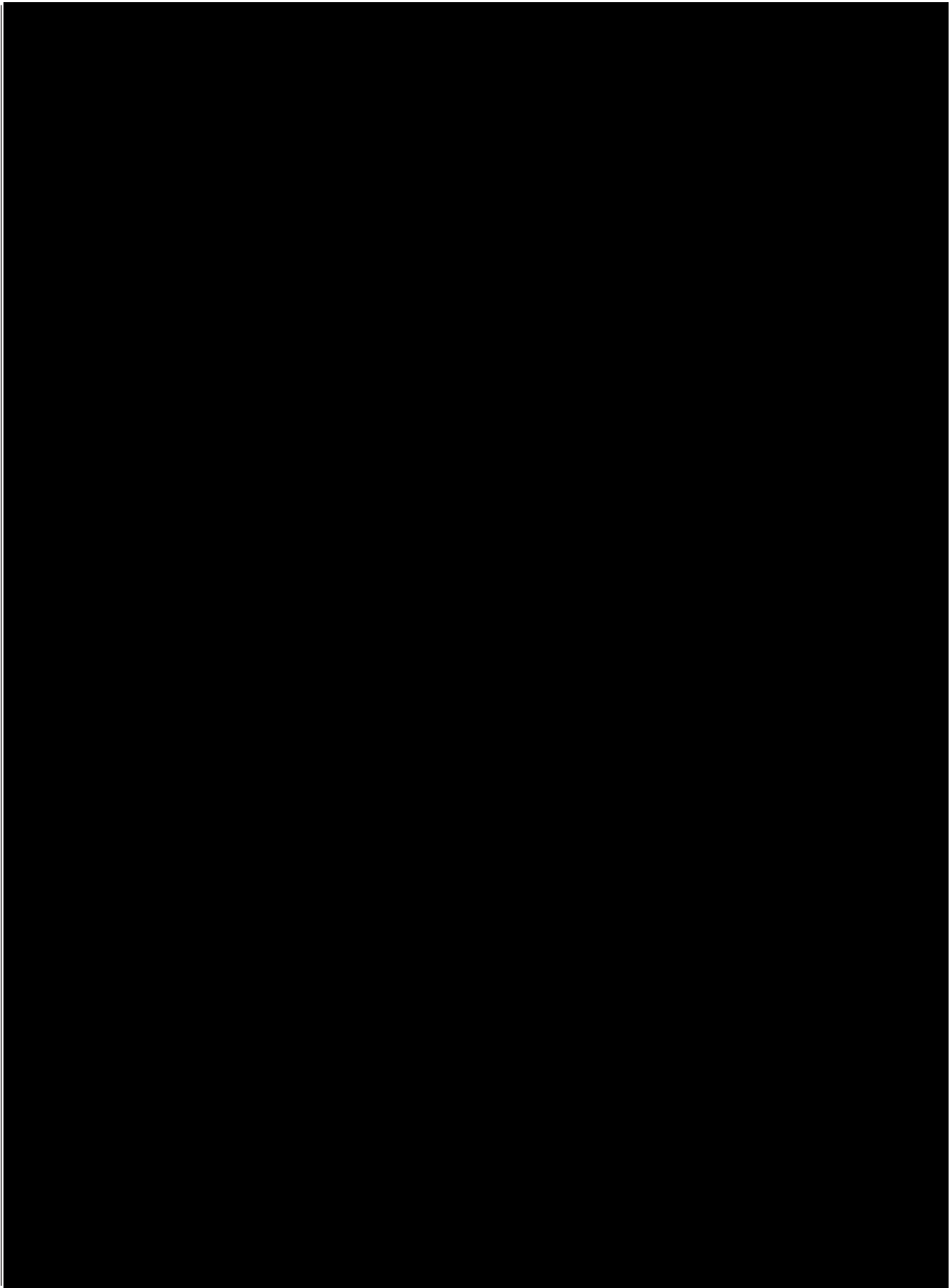


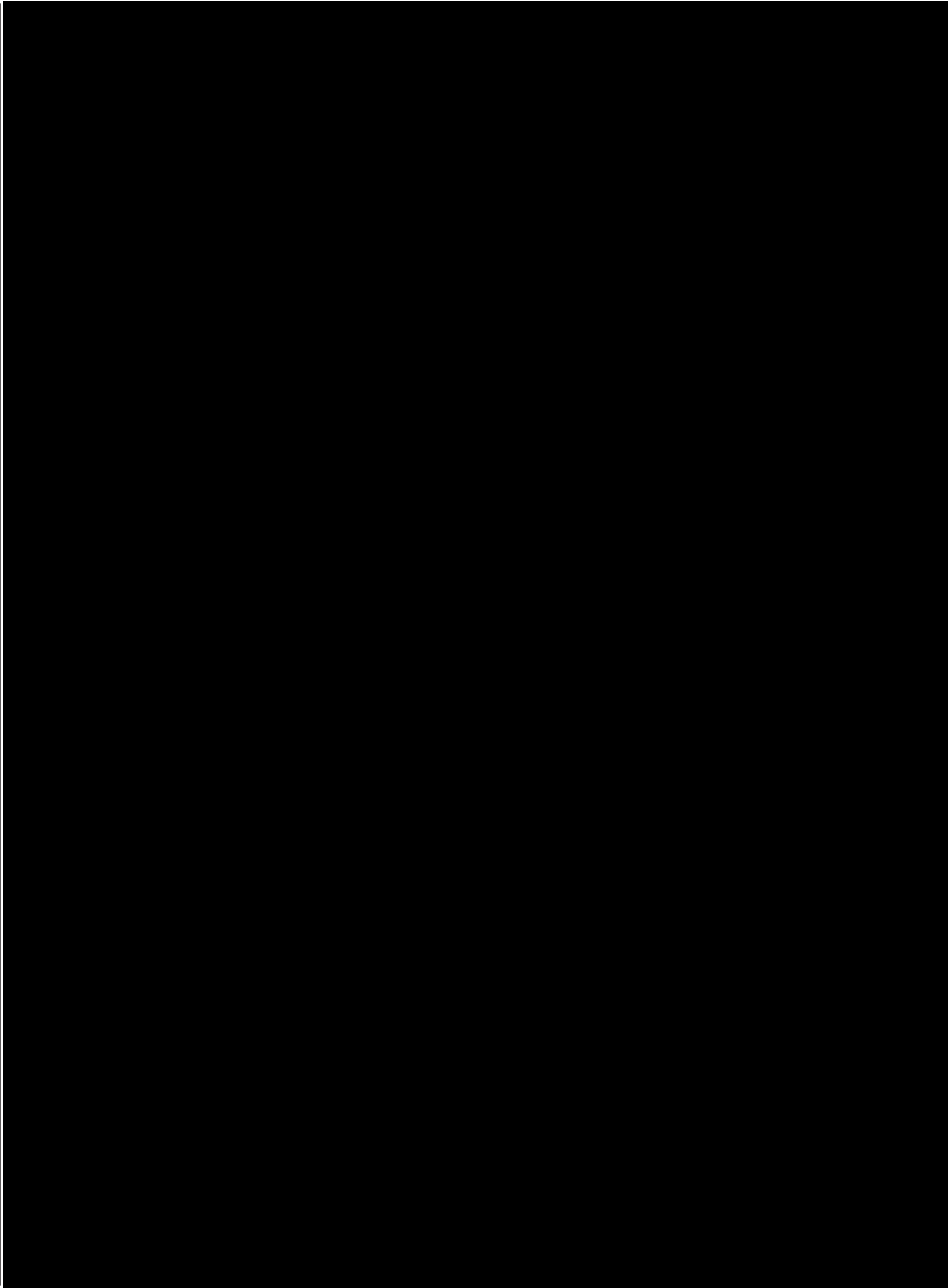


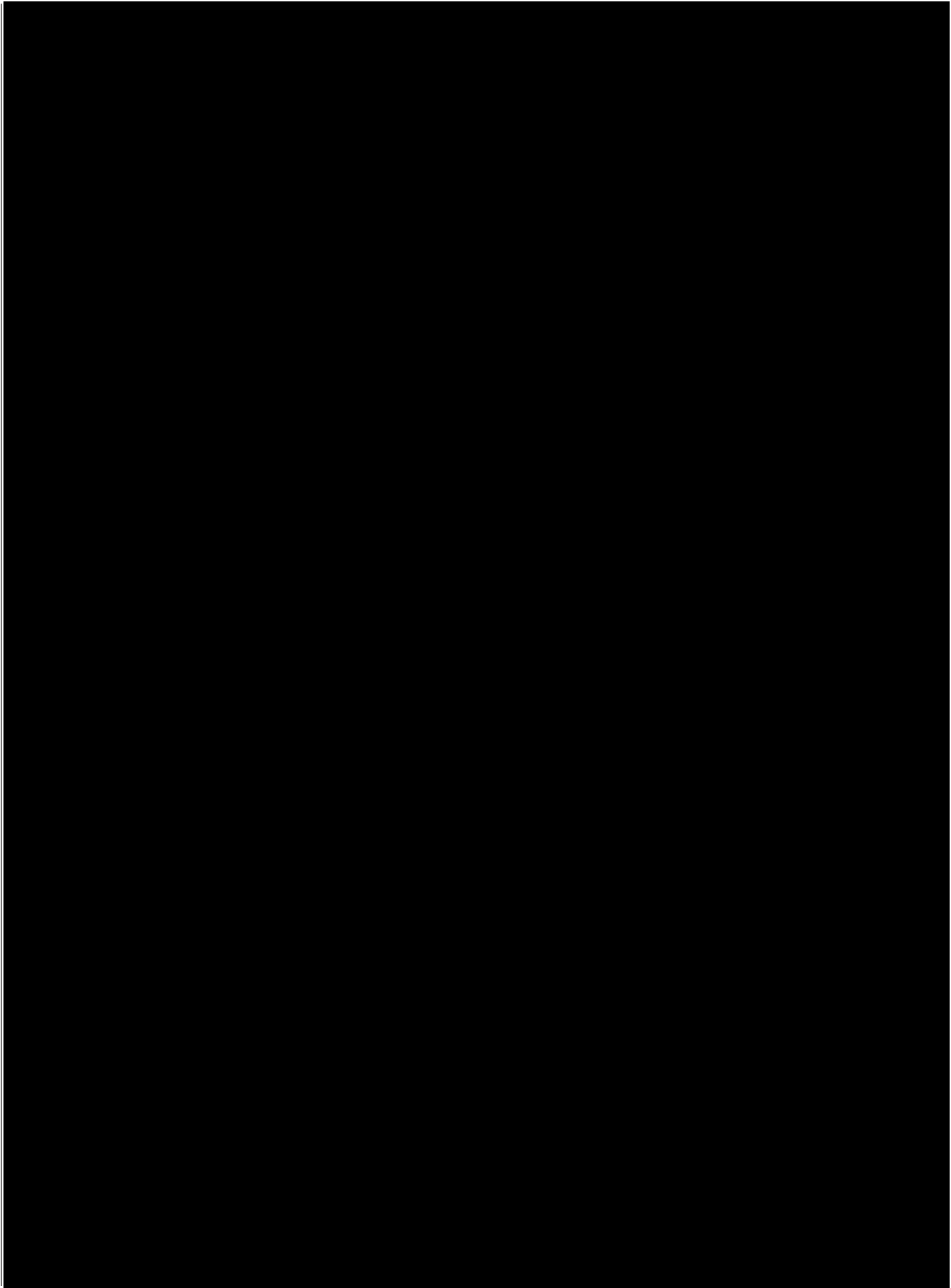


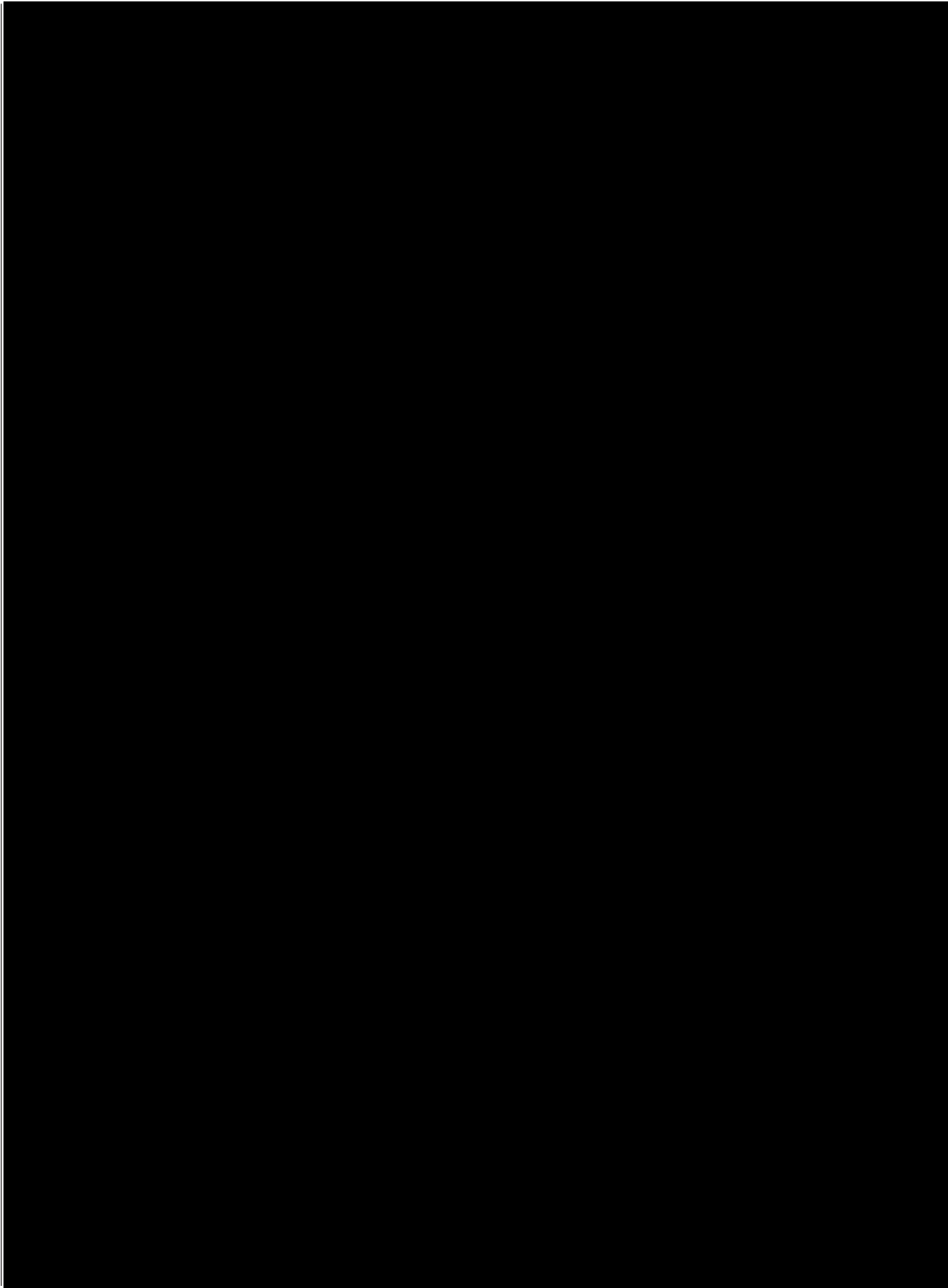




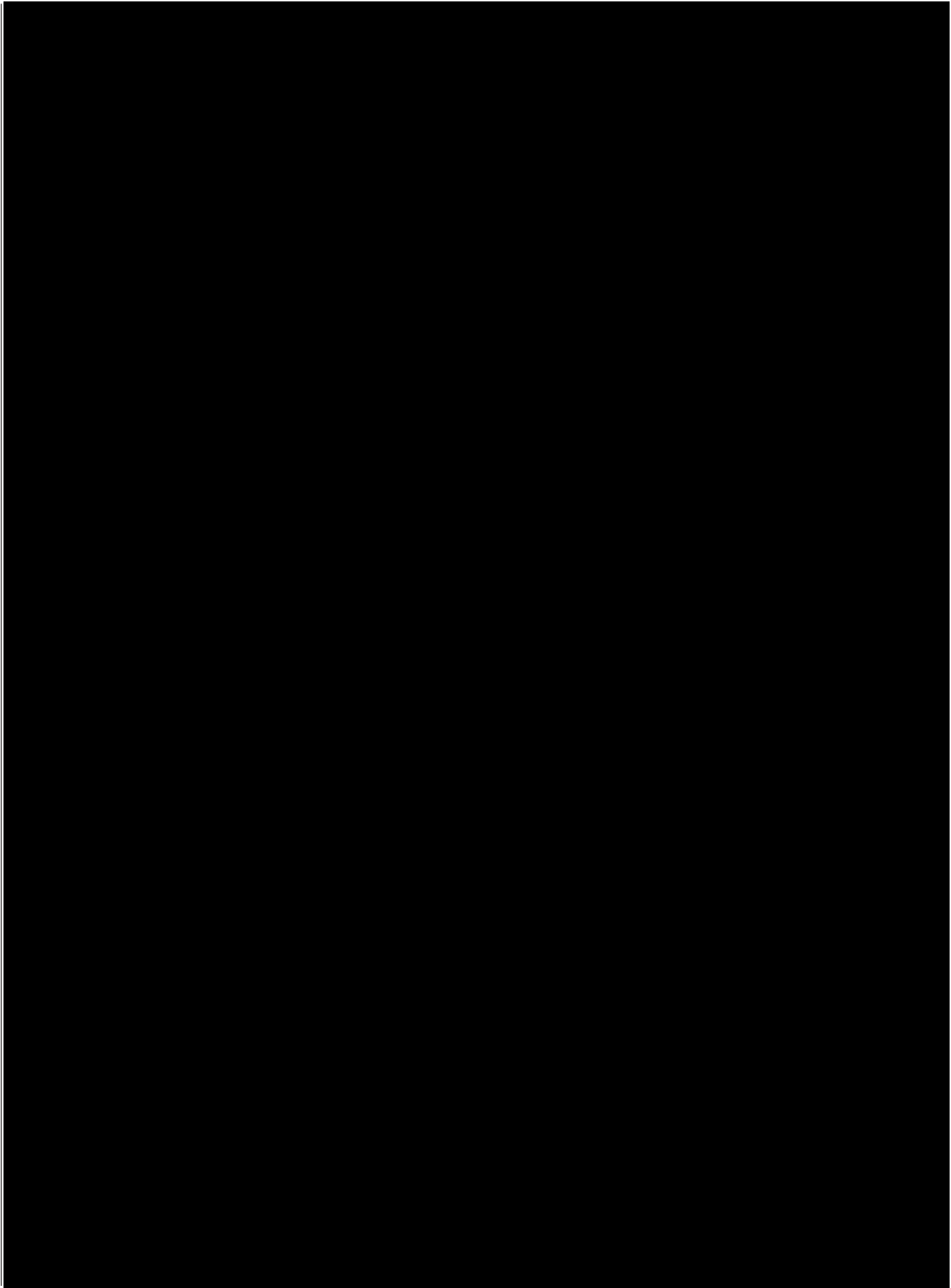


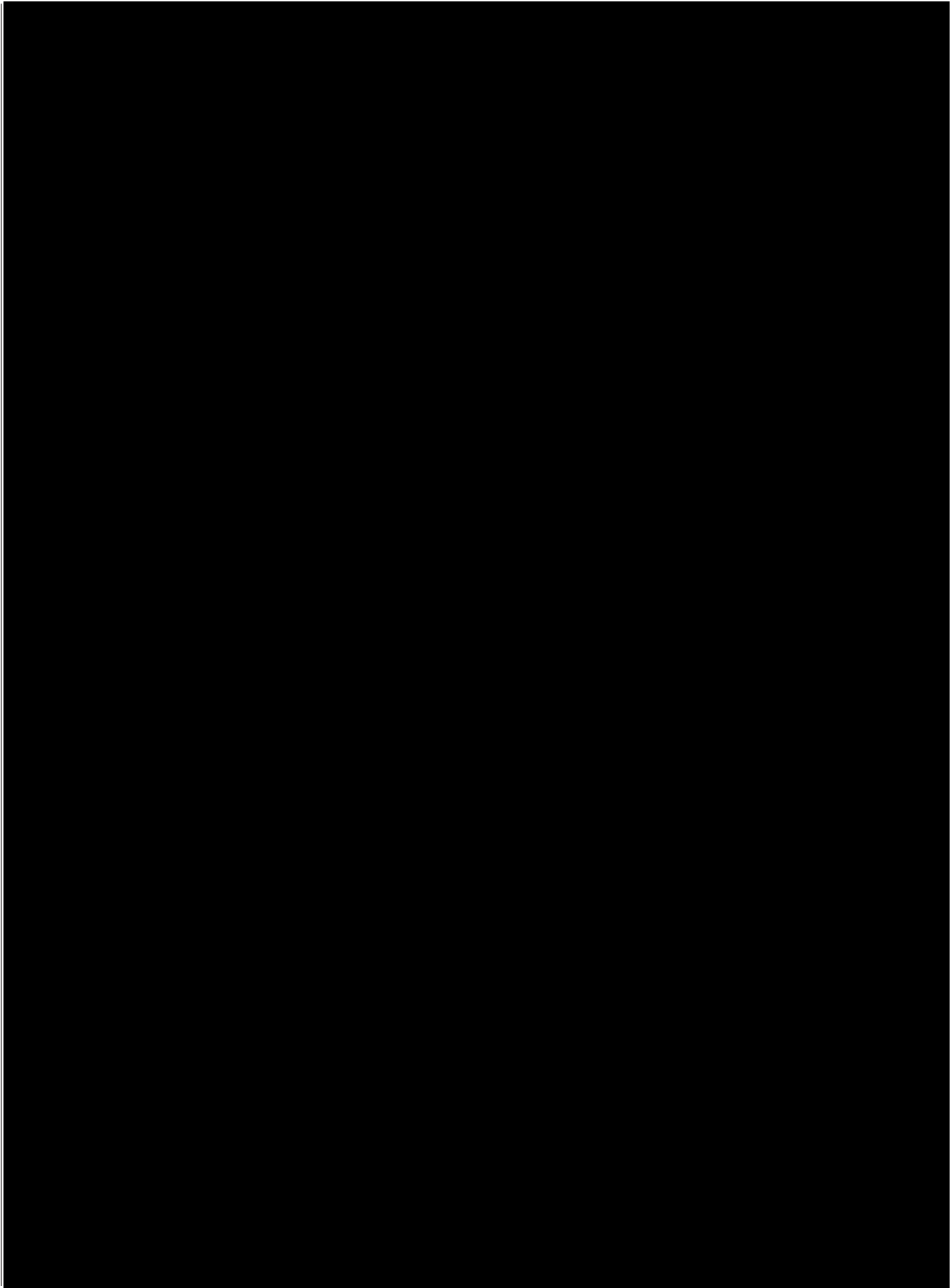


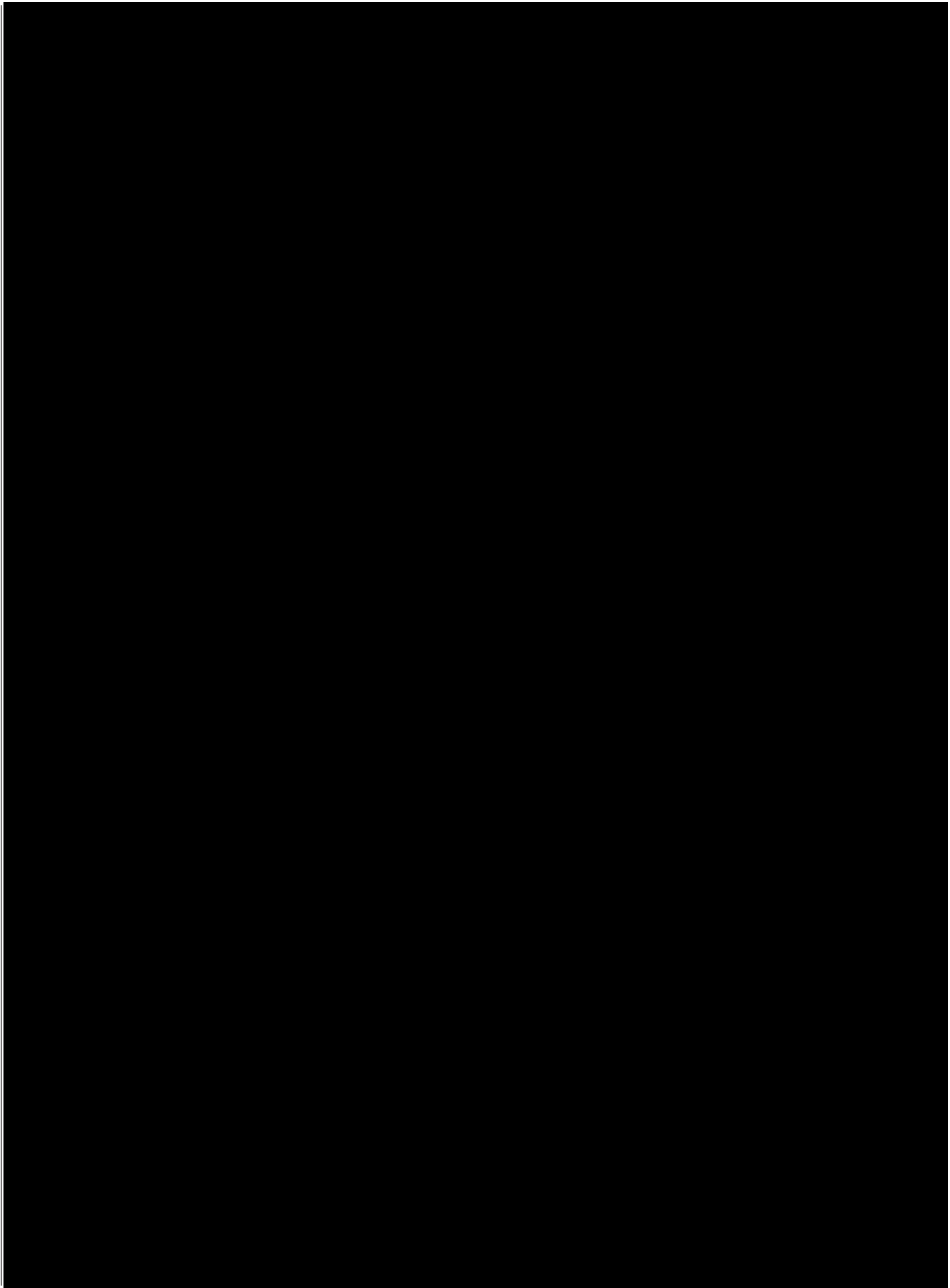


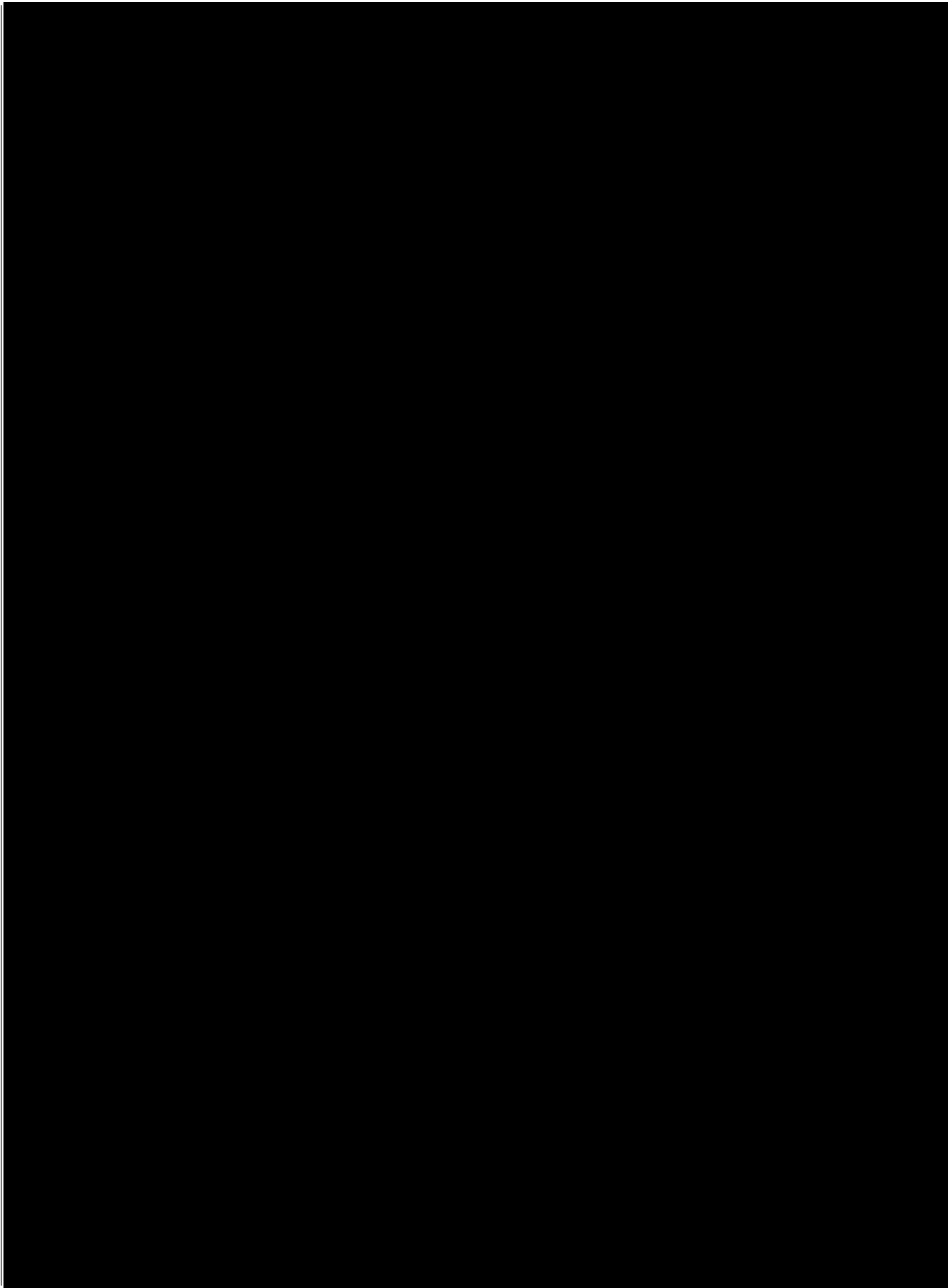


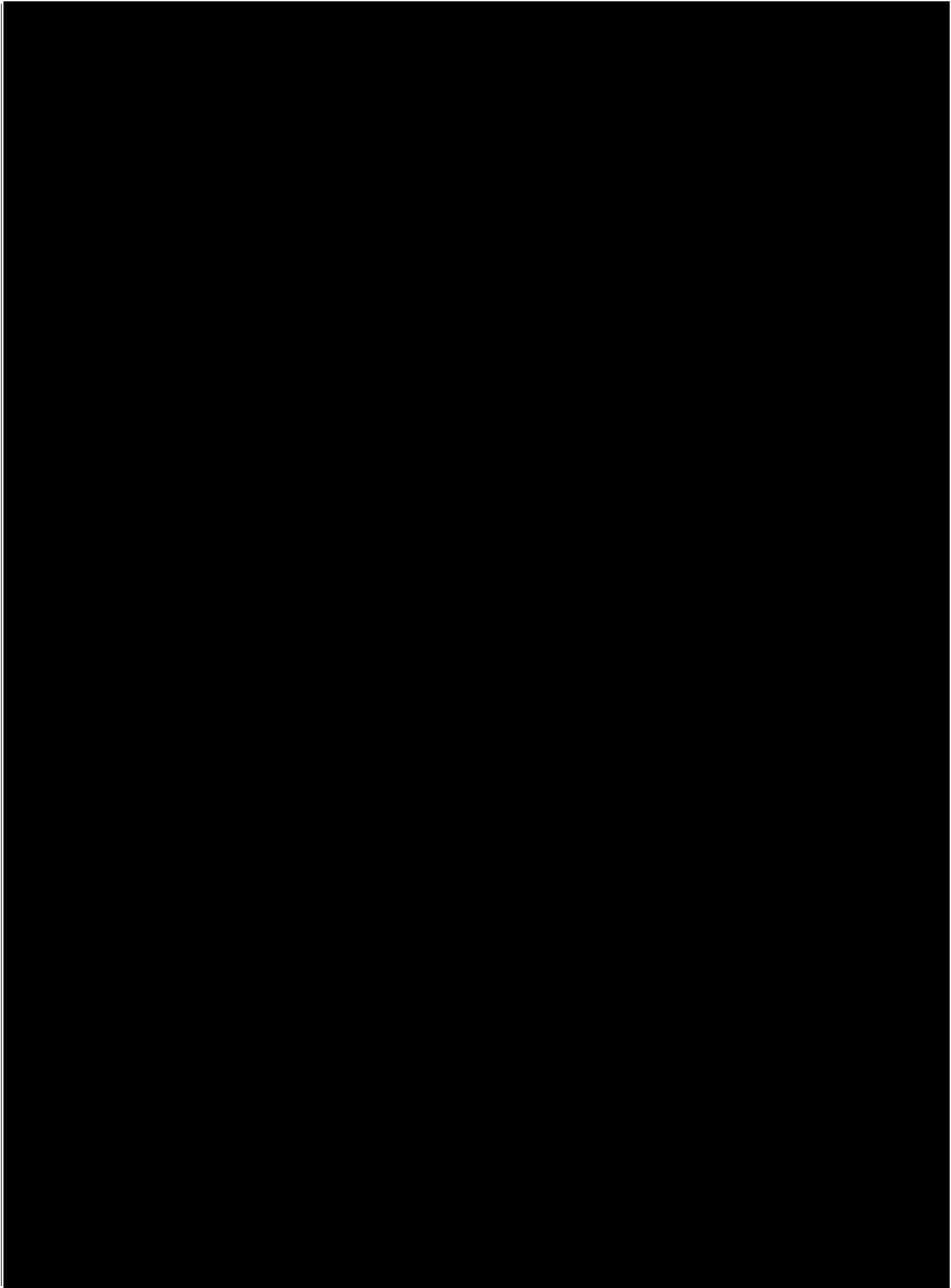


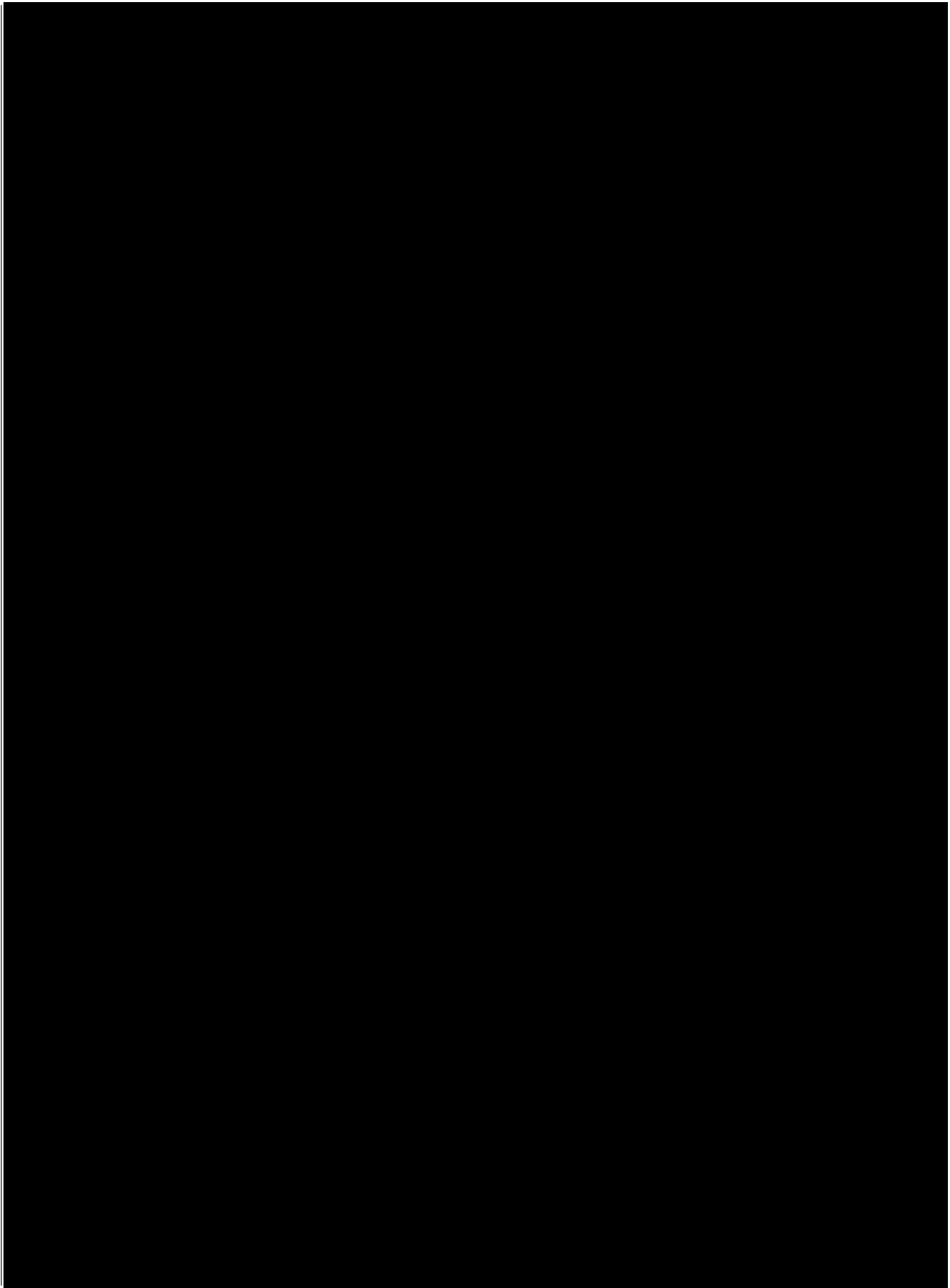


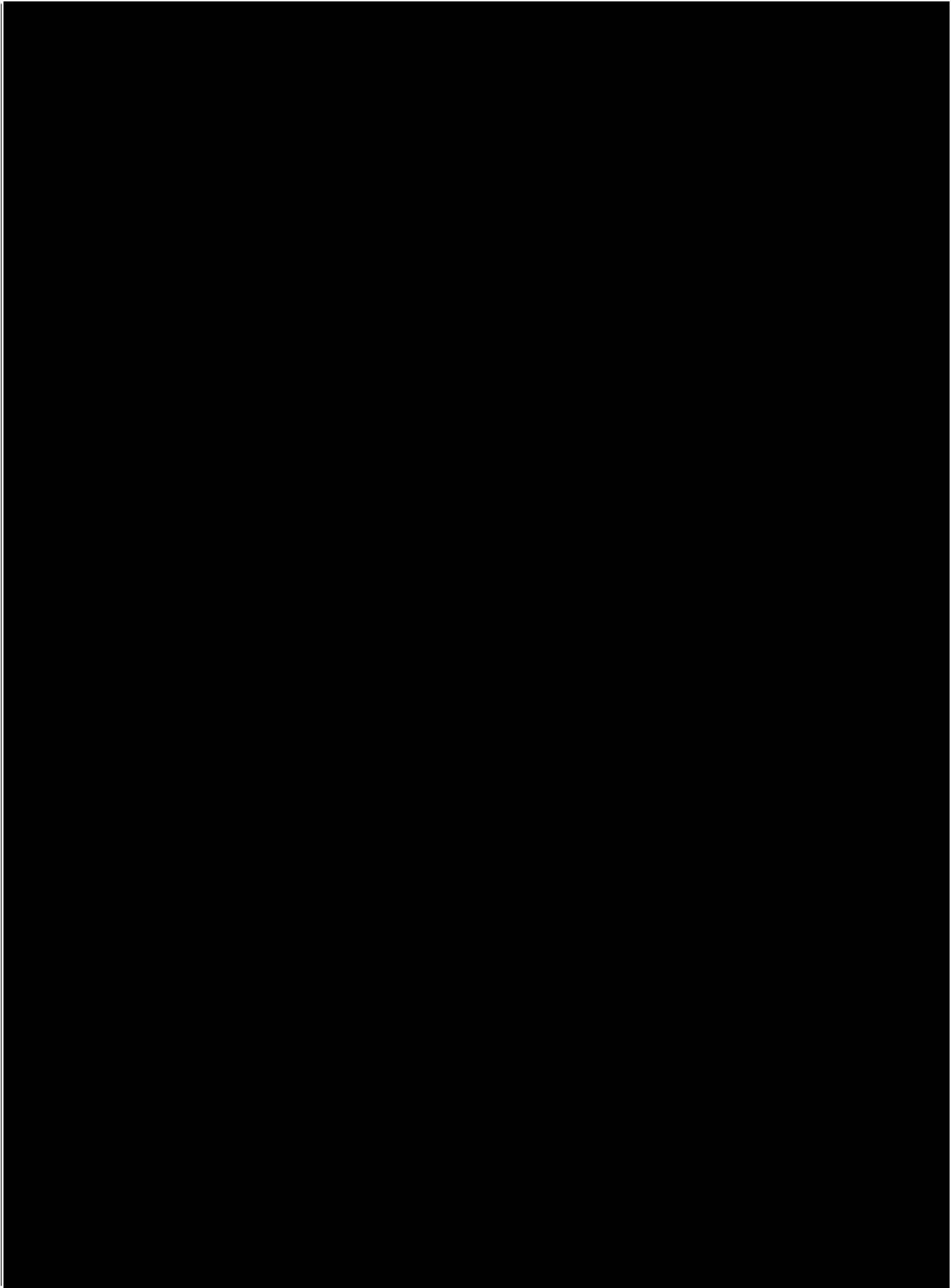


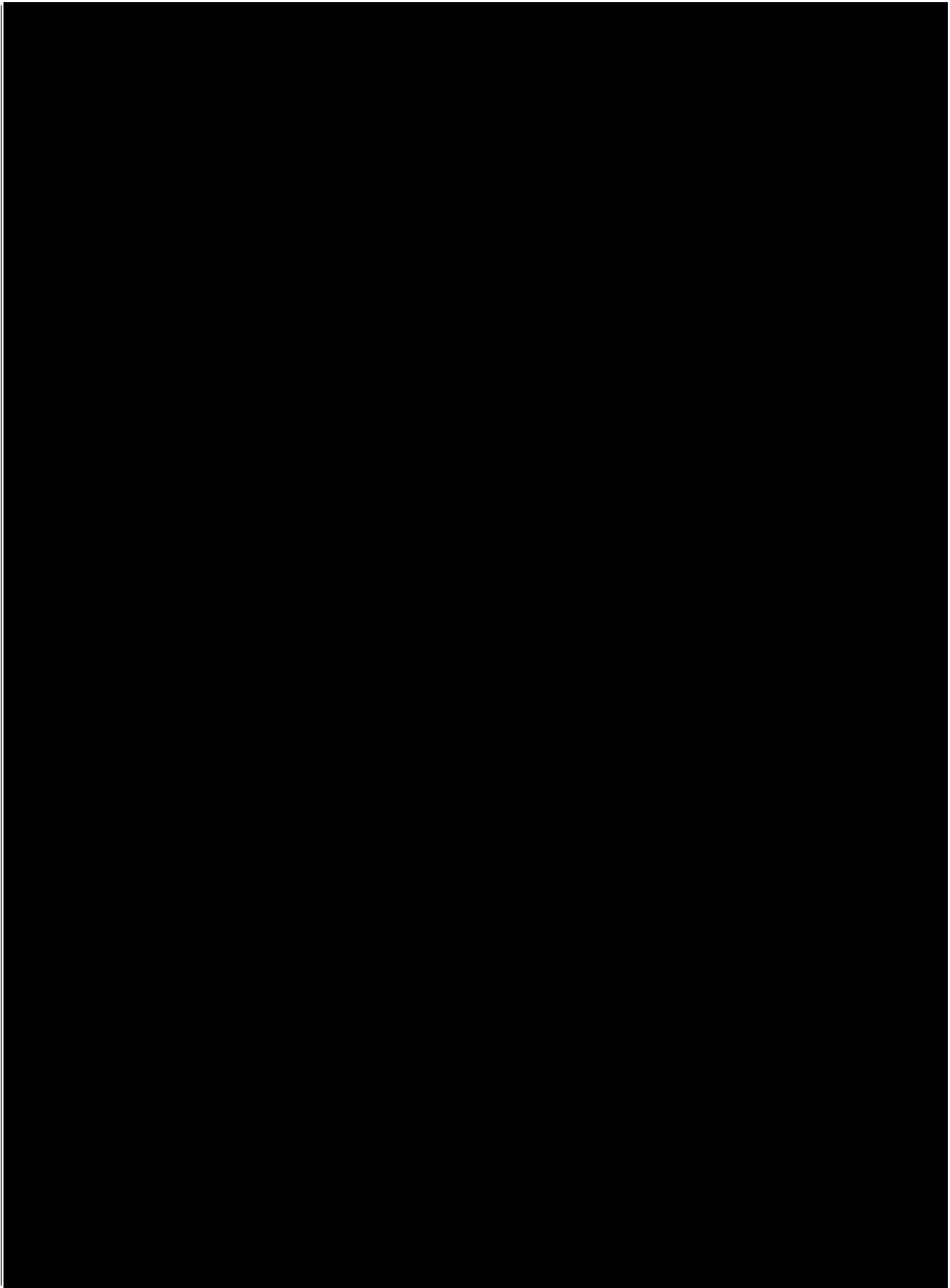




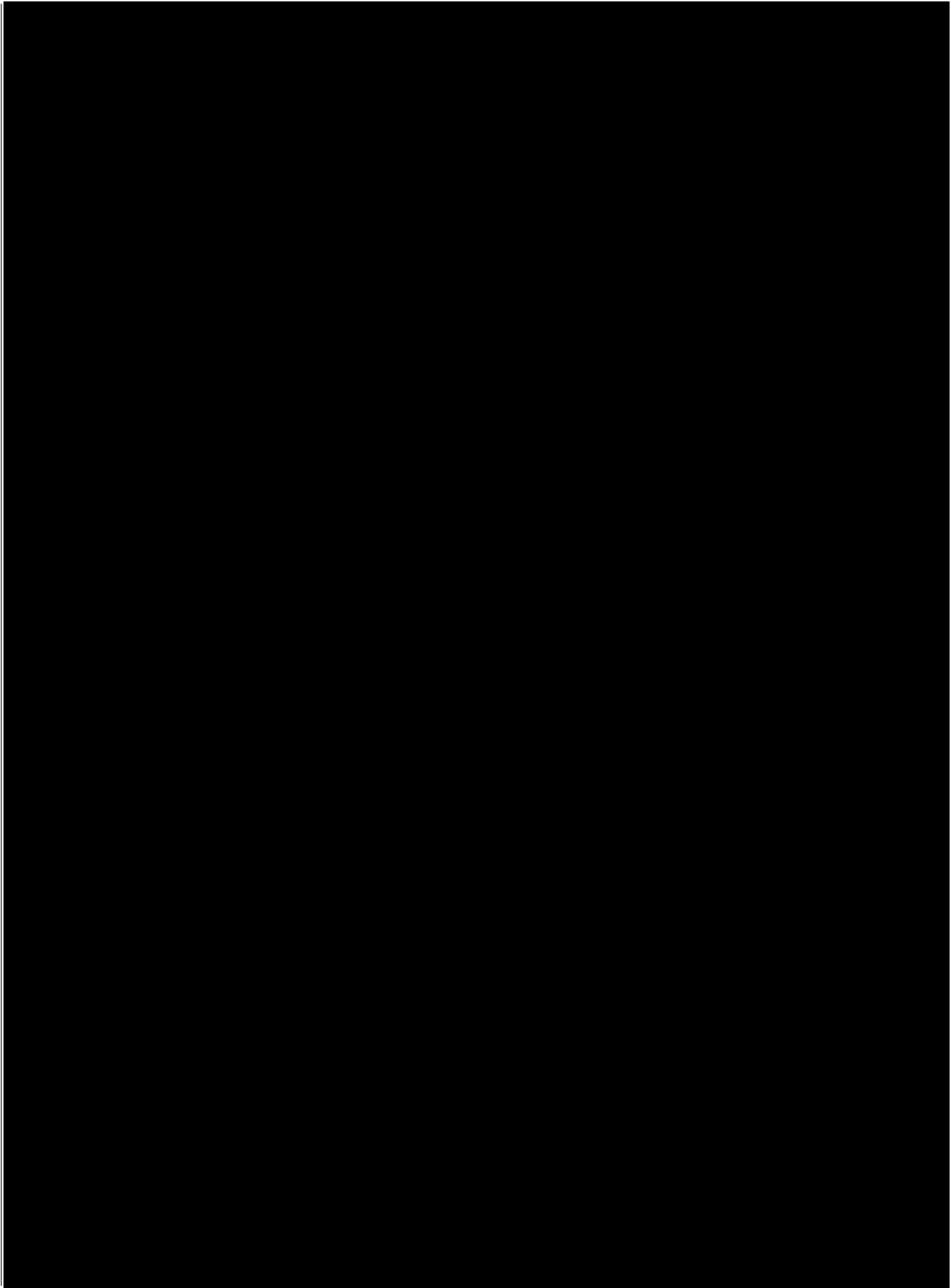


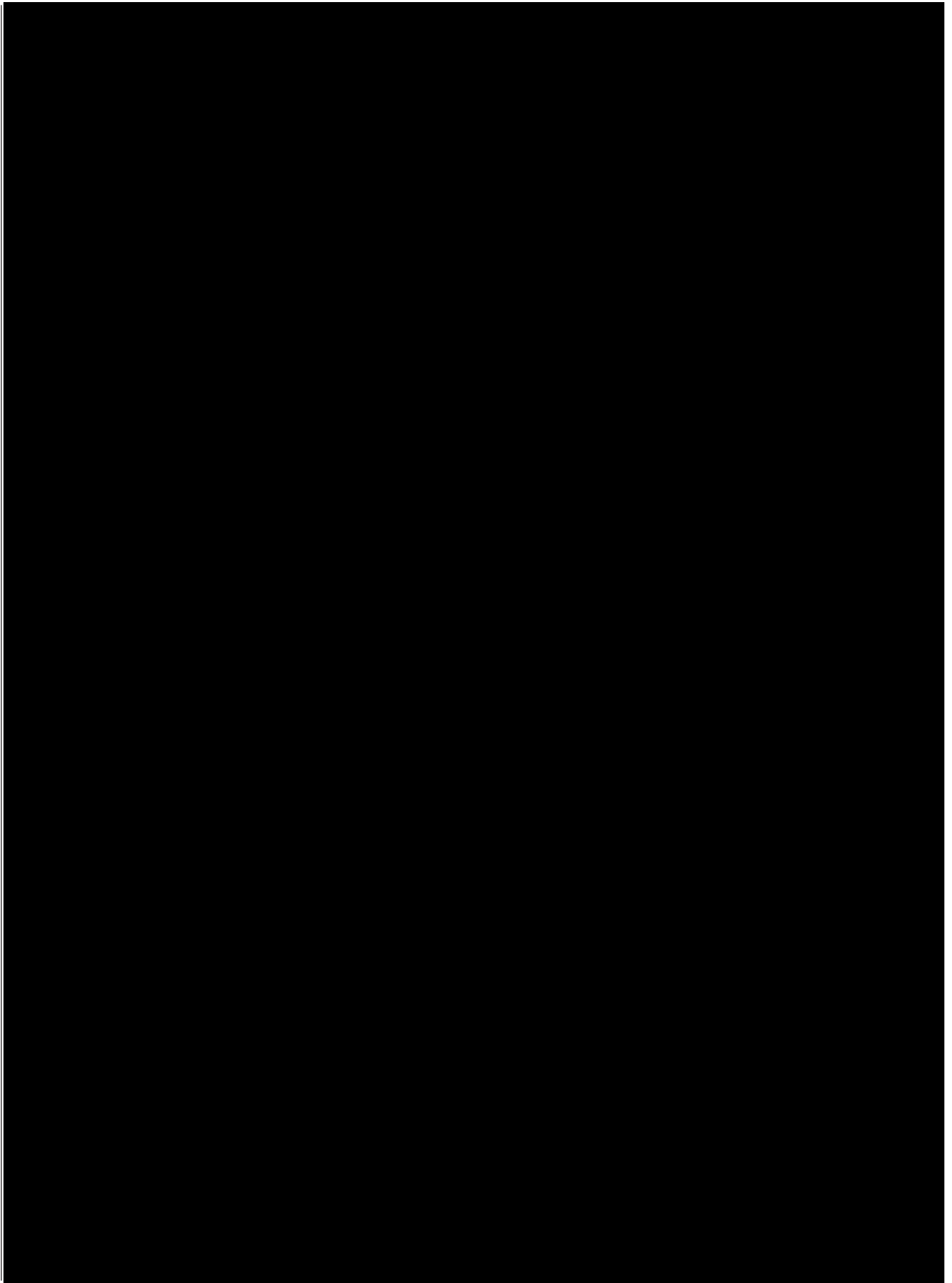


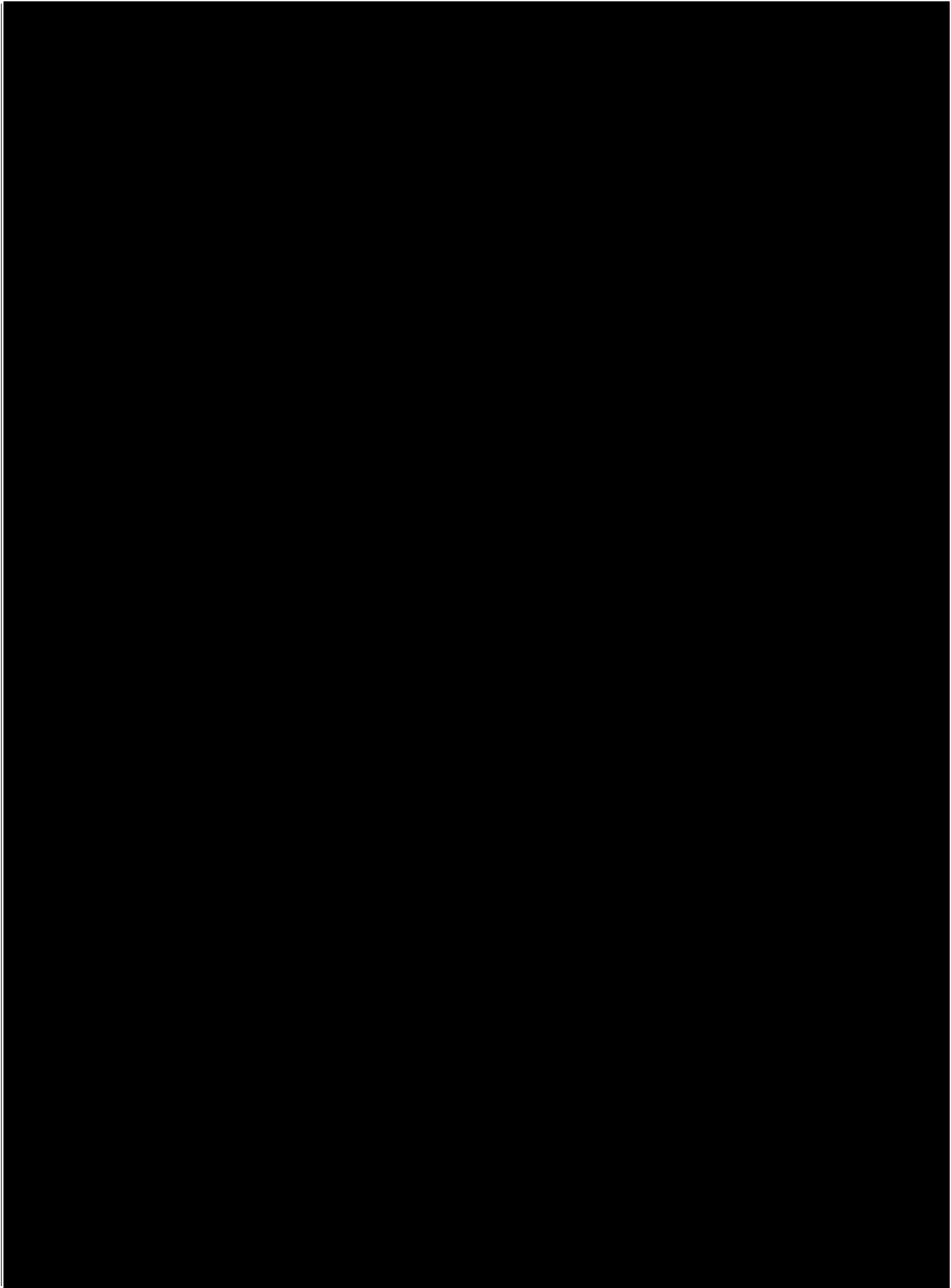


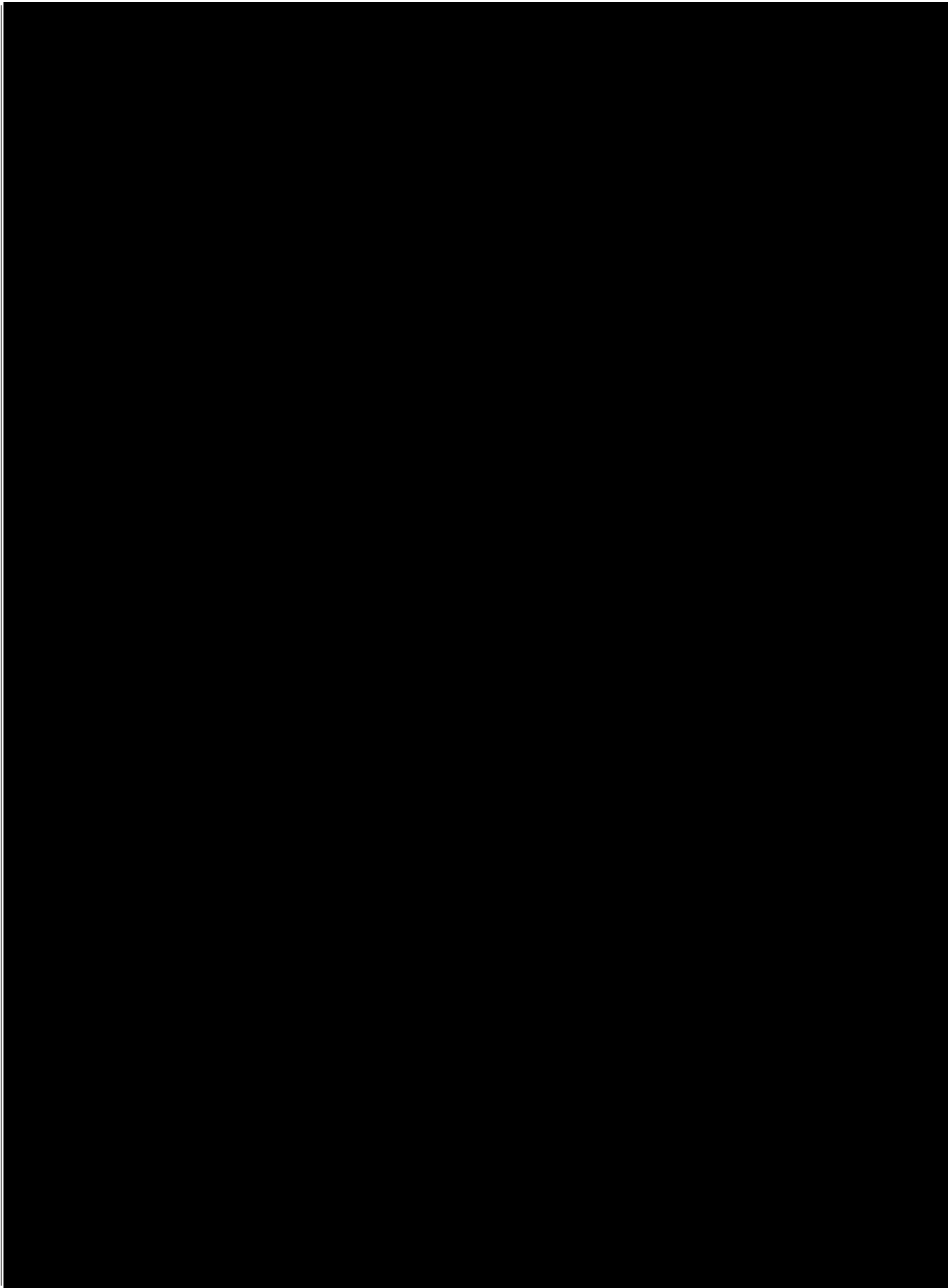


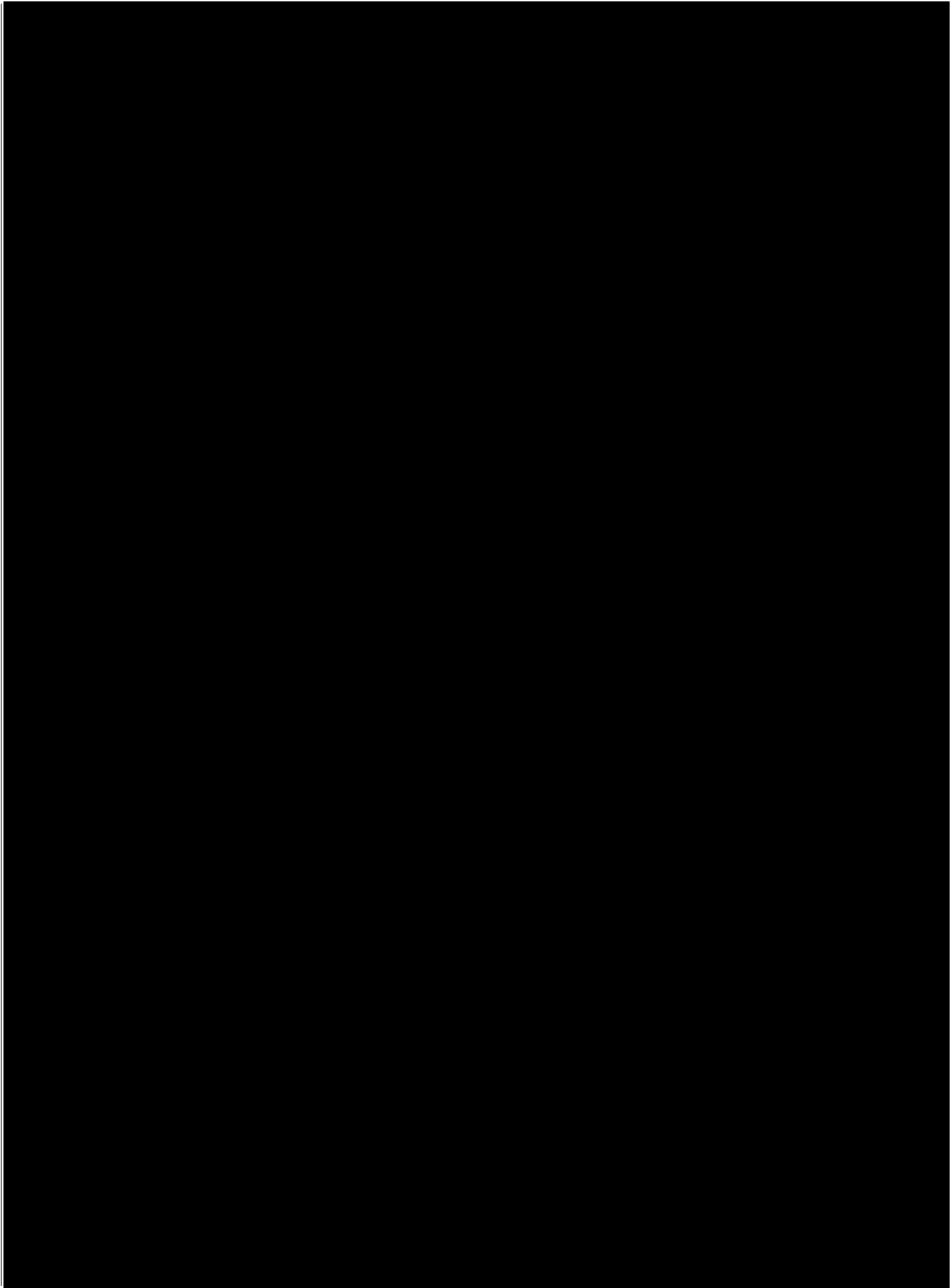












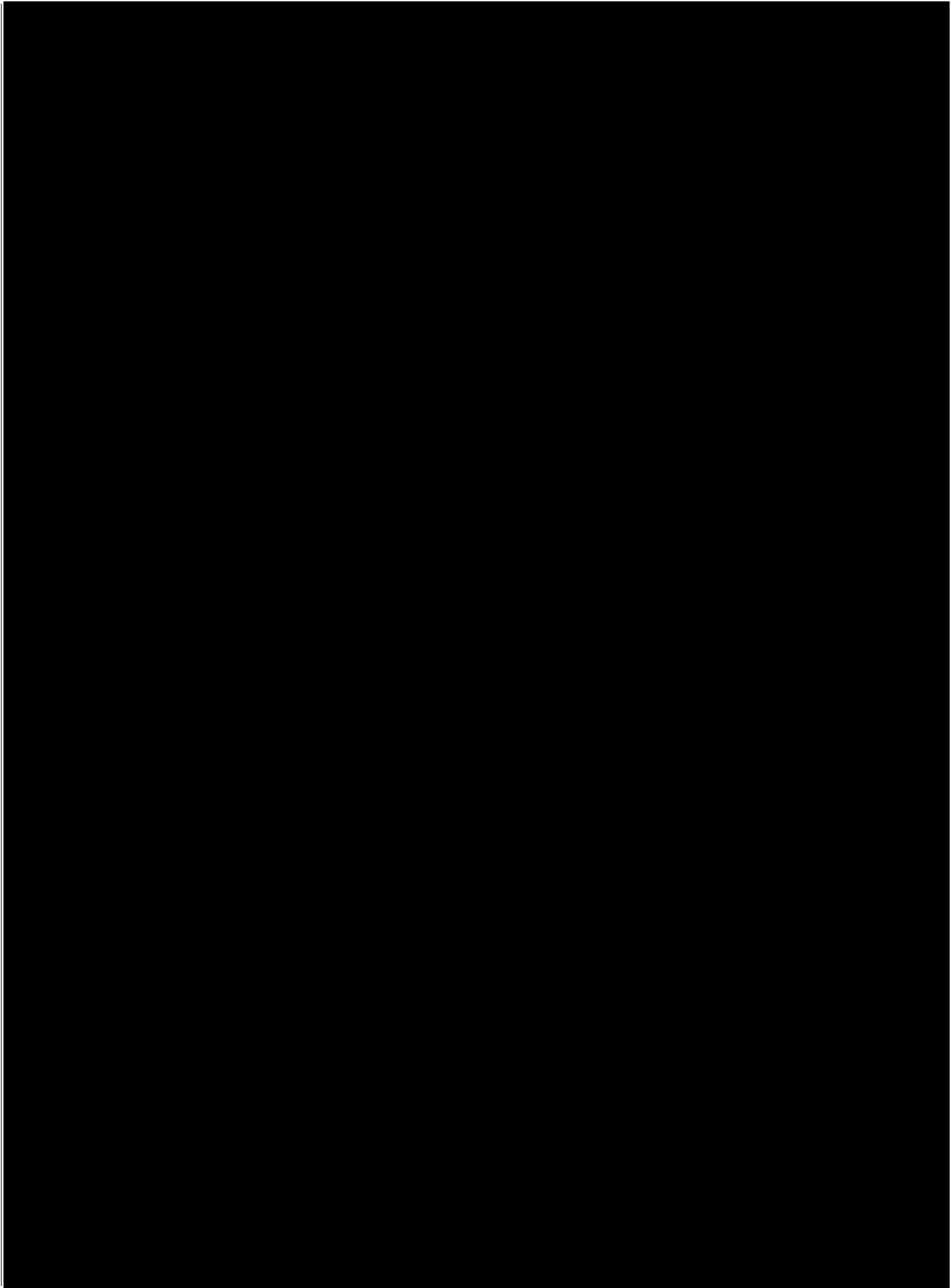


Exhibit B-9: N/A, GVS\_FTC000497-498  
**Non-Public *In Camera***

Exhibit B-10: N/A, GVS\_FTC021721  
**Non-Public *In Camera***