

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



In the Matter of

Axon Enterprise, Inc.,

a corporation,

and

Safariland, LLC,

a corporation.

Docket No. D9389

ORIGINAL

PUBLIC VERSION

RESPONDENT'S AMENDED AND UNOPPOSED MOTION FOR ISSUANCE OF SUBPOENAS *DUCES TECUM* TO LAW ENFORCEMENT AGENCIES UNDER PRACTICE RULE 3.36 AND REQUEST FOR EXPEDITED RULING

Respondent Axon Enterprise, Inc. moves pursuant to Practice Rule 3.36 for the issuance of Subpoenas *Duces Tecum* to certain law enforcement agencies that have purchased or considered purchasing body worn cameras and/or digital evidence management systems, the products at the heart of this proceeding.¹ A Proposed Order is attached hereto as Exhibit A. The form of the requested subpoena is attached as Exhibit 1 to the Proposed Order, the list of recipients is attached as Exhibit 2, and unsigned versions of the requested subpoenas are attached as Exhibits 3-31.²

Subpoenas to customers are essential to defending against merger challenges. Here, *all* of the customers of the products at issue are public agencies. Any ordinary concerns about subpoenas by the Commission to public agencies, therefore, cannot override Axon's fundamental right to put

¹ After extensive meet and confer efforts between the parties (as a result of which Axon made significant concessions in order to avoid protracted briefing on the subject), Complaint Counsel advised that it does not object to the issuance of the subpoenas based on the information currently known to it, but reserves the right to take the position that a request is overly burdensome as to a particular entity based on its particular circumstance. Given the extremely short period for fact discovery prescribed in the Court's scheduling order, Axon respectfully requests expedited treatment and an expedited decision on this Motion.

² Axon seeks the same categories of documents from each recipient. In the interests of efficiency and economy, Axon is not filing a separate motion with a separate proposed order for each recipient, but it will do so if necessary.

on a defense.³ Because the requirements of Rule 3.36 are met and the Motion is unopposed, it should be granted.

ARGUMENT

The law enforcement agencies identified on Exhibit 2 to the Proposed Order (the “Agencies” or “Departments”⁴) in large part are [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].⁶ The subpoena seeks specific records

³ This is especially true because the Commission easily could have avoided—and still can avoid—any such concerns by proceeding in federal court, where subpoenas are issued under the court’s authority and not the Commission’s. Any restriction on Axon’s right to subpoena constituents of Complaint Counsel’s proposed customer market would be another constitutional defect in these proceedings.

⁴ One of the proposed recipients (Miami-Dade) is a county and one (Phoenix) is a city [REDACTED]. For convenience, they are referred to herein—along with all other proposed recipients—as “Agencies” or “Departments.”

⁵ Pursuant to the Protective Order dated January 6, 2020 (attached as Ex. E), Complaint Counsel has labeled “Confidential.” [REDACTED]. Respondent reserves its right to challenge the propriety of those designations.

⁶ There is no limit in Rule 3.34 on the number of subpoenas. A subpoena that meets the requirements of Rule 3.34 for a recipient must be authorized regardless of whether, as is true here, those requirements also are met for other recipients. Subpoenas commonly are issued to many customers in an alleged market, and Respondents’ ability to defend itself cannot be restricted based on the fact that the customers in this case are public agencies.

[REDACTED]

[REDACTED] This truncated list of subpoena recipients represents the bare minimum needed for Respondent to have a fair opportunity to defend itself.

[REDACTED] The Complaint defines the alleged market in part around certain customers: “large, metropolitan police departments.” Compl. ¶ 21. When pressed at the January 30th scheduling conference about the vagueness of this definition, Complaint Counsel referenced the membership of the U.S. Major Cities Chiefs Association (“MCCA”) as a proxy for “large” departments. Transcript of January 30, 2020 Scheduling Conference (“Conference”) at 20:5-22:3 (attached as Ex. F). However, in its First Set of Requests for Production Issued to Respondent Axon (attached as Ex. G), Complaint Counsel defined “Large Police Department” as “any United States law enforcement institution with over 500 sworn officers,” (Ex. G at 6), even though this category includes non-MCCA members. Accordingly, Axon needs information from many departments—including some that appear to be inside and some that appear to be outside Complaint Counsel’s vague and shifting definition—both to challenge the Commission’s market definition and to show the absence of competitive effects on sales to these customers. At the very least, Axon needs to serve

related to the Agencies' consideration, evaluation, and/or purchases of body-worn cameras ("BWCs") and digital evidence management systems ("DEMS"), including requests for proposals ("RFPs") issued for BWCs and DEMS, final responses submitted by bidders in response to RFPs, assessments by the Agencies of bidders' BWCs and DEMS, executed copies of contracts relating to BWCs and DEMS, evaluations of BWCs and DEMS products, and documents sufficient to show costs of switching BWCs and DEMS providers. The subpoena also seeks documents relating to concerns with Viewu's BWCs or DEMS products, and documents related to the Departments' reactions to Axon's acquisition of Viewu.⁷

All of these requests meet the requirements of Rule 3.36(b). Rule 3.36(b) requires the party seeking the 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 requested material is reasonable in scope;
2. if for purposes of discovery, the material falls within the limits of discovery under § 3.31(c)(1), or, 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 3.37.

16 C.F.R. § 3.36. All four requirements are met here.

subpoenas on the [REDACTED]

⁷ In order to minimize any burden on the Departments, the present Motion seeks authorization only for document subpoenas. Rather than seeking depositions from all of the Departments at this time, Axon will first evaluate the documents and other information to identify the specific Departments from which it will need testimony. After doing so, Axon will file motions for subpoenas *ad testificandum* accordingly. This approach is the most efficient and reasonable method for obtaining the needed discovery, as it avoids issuance of blanket subpoenas *ad testificandum* to all Departments.

First, Axon’s proposed subpoenas are sufficiently particularized and reasonable in scope. “Whether a proposed subpoena meets the requirements of reasonable scope or reasonable particularity is a fact-based inquiry, to be resolved on a case-by-case basis.” *In the Matter of 1-800 Contacts, Inc.*, No. 9372, 2016 WL 7634657, at *4 (F.T.C. Dec. 20, 2016). Targeted requests for relevant information fall within the rule’s parameters. *See, e.g., In the Matter of Intel Corp.*, No. 9341, 2010 WL 2544424, at *1 (F.T.C. June 9, 2010) (approving subpoena seeking documents on “limited issues relating to the prices of” product at issue). So, too, do subpoenas designed to obtain specific data, reports, and documents. *1-800 Contacts*, 2016 WL 7634657, at *4-*6. Subpoenas become too broad, and exceed a reasonable scope, when they make blanket requests for general information. *In the Matter of 1-800 Contacts, Inc.*, No. 9372, 2016 WL 6609774, at *6-7 (F.T.C. Oct. 28, 2016).

Axon seeks *particular* information on eight limited and narrow topics. Most requests seek specific documents—for example, RFPs issued, bids received in response to RFPs, and agreements related to BWCs and DEMS. The subpoena seeks documents kept in the Departments’ ordinary course of business and requests production of existing agency records in their standard format. Axon, moreover, has reason to believe that the Departments ordinarily would keep most or all of the requested documents together, so that a wide-ranging search will not be necessary. And all of the requests are limited by date, the earliest of which is January 1, 2010 and the majority of which are no earlier than January 1, 2015. *See 1-800 Contacts*, 2016 WL 7634657, at *5-6 (allowing subpoena on information a decade old); *In the Matter of Evanston Northwestern HealthCare Corp.*, No. 9315, 2004 WL 2380507, at *2 (Sept. 28, 2004) (subpoena seeking information from nearly six years earlier was reasonable). Axon’s subpoenas are reasonable in scope.

Second, the material sought both is reasonably relevant and falls within the limits of discovery under Rule 3.31(c)(1). That rule, the Commission’s general discovery provision, permits discovery “to the extent that it may be reasonably expected to yield information relevant to the allegations of the complaint, to the proposed relief, or to the defenses of any respondent.” 16 C.F.R. § 3.31(c)(1). If a document may help “to defend against the allegations of the Complaint,” then it is relevant. *Intel*, 2010 WL 2544424, at *1. Axon’s defenses also should be considered when relevance is determined, and discovery should be allowed when the documents “relate directly to these contentions.” *Id.* at *3-4. In other words, if after “[l]aying the subpoena alongside the pleadings” it is determined that Axon “seek[s] documents that may be reasonably expected to yield relevant information,” then the discovery sought is relevant. *Evanston*, 2004 WL 2380507, at *2.

Axon’s requests here seek information directly relevant to the Complaint’s allegations and Axon’s defenses. For example, the Commission alleges that Viewu won several Agency RFPs by offering lower prices than Axon, Compl. ¶ 4, and that the competition between Axon and Viewu was “intense,” *id.* ¶ 5. Axon denies that its competition with Viewu was any more intense than competition with other BWC and DEMS manufacturers and suppliers. Answer ¶ 5. Axon likewise disputes the Commission’s definition of the relevant product market as an “integrated” and combined BWC and DEMS “system.” Compl. ¶ 21; Answer ¶ 21.

Most importantly, this is an unusual case where public agencies are themselves the relevant customers. Specifically, the Commission alleges that the relevant product market is BWCs and DEMS sold to certain police departments. Compl. ¶ 20. Accordingly, the Complaint is replete with references to Departments’ use of RFPs to secure BWCs and DEMS, competition in the RFP process, and Departments’ use of BWCs and DEMS generally. *See* Compl. ¶ 22 (allegation

regarding relationship between BWCs and DEMS in Departments' RFPs); ¶ 23 (allegation regarding certain Departments' requirements for BWCs and DEMS); ¶ 24 (allegations regarding ability of Departments to "switch to other products"); ¶ 31 (allegations regarding competition between Axon and competitors other than Viewu "in RFP process conducted by large, metropolitan police departments"); ¶ 38 (allegations concerning relative ability of various competitors to "satisfy the RFP requirements"). At the same time, Axon has raised defenses that new entrants to the market have offset any anticompetitive effect from the merger and that the merger benefitted customers. Answer at 21.

The documents sought in the subpoenas—such as the Departments' documents regarding RFPs, assessments of RFP submissions, contracts for BWCs and DEMS, the cost of switching BWCs and DEMS providers, and evaluations of BWCs and DEMS—are important evidence on these central topics raised in the FTC's Complaint and Axon's Answer.⁸ And so too are documents regarding Agency evaluations of Viewu's products and the Agencies' knowledge and understanding of Axon's acquisition of Viewu. Axon has raised defenses that Viewu was a flailing or failing firm, so the Departments' information about Viewu is "clearly relevant to this defense." *In the Matter of Intel Corp.*, 2010 WL 2544424, at *3. Thus, Axon seeks information relevant to the allegations in the Complaint and to the defenses Axon has raised.

Third, the material cannot be reasonably obtained by other means. Most requests relate to RFPs that were issued by the Departments, including bids the Departments received in response to those RFPs, and the Departments' evaluation of the bids. The requests are limited by express

⁸ Indeed, without these materials from the Agencies—which constitute the relevant market according to Complaint Counsel, Ex. F at 20:5-22:3—Axon would have virtually no way to assess the allegations in the Complaint regarding supply and demand, pricing and bidding, and competition within the Commission's purported relevant market.

exclusion of Axon bids and contracts.⁹ And even where, for example, individual competitors might possess their own RFP responses, it would be unreasonably burdensome and ineffective to try to piece together partial information from multiple sellers (even assuming that Respondents could discern who might have submitted bids in response to any or all RFPs at issue), instead of obtaining from each Department the documents for its own RFPs.¹⁰ And only the Departments can provide documents relating to their own bid evaluations, any concerns with Viewu products, and their own knowledge and understanding of Axon's acquisition of Viewu. The material requested cannot be reasonably obtained by other means.

Fourth, the material requested meets the requirements of Rule of Practice 3.37(a), which requires that requests "specify with reasonable particularity the documents or things to be produced." 16 C.F.R. § 3.37(a). As explained above, for example, the requests focus specifically on RFPs, assessments of bids, contracts, and product evaluations in the possession or control of the Departments. These focused and narrow requests are specified with reasonable particularity.

CONCLUSION

The requested subpoenas are directed to customers [REDACTED]

[REDACTED]. All four requirements of Practice Rule 3.36(b) are met, and the Motion is unopposed. Axon respectfully requests that its Motion be granted.

⁹ Because Viewu's records are deficient, Axon needs to obtain Viewu bids and contracts from the Departments.

¹⁰ Complaint Counsel acknowledges that the full list of competitors is unknown. In its First Set of Requests for Production Issued to Respondent Axon, Complaint Counsel refers to "Persons producing or selling BWCs, DEMS, or BWC Systems, *including without limitation* Coban; Getac; Intrensic/GoPro; L3/Mobile Vision; Motorola; Panasonic/i-PRO; Safety Vision; Utility; Visual Labs; and WatchGuard." Ex. G at 1 (emphasis added). Nevertheless, Respondents will work cooperatively with any subpoena recipient that believes certain documents can reasonably be obtained elsewhere, or that has any other concern about the subpoenas served on them.

Dated: February 13, 2020

Respectfully submitted,

s/ Louis K. Fisher

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* Because Ms. Petersen has been denied access to confidential information, she has not been able to review the portions of this Motion containing information designated by Complaint Counsel as confidential

**UNITED STATES OF AMERICA
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Docket No. D9389

RESPONDENT'S MEET AND CONFER STATEMENT

Pursuant to the Scheduling Order issued on January 30, 2020, Respondent states that Respondent's counsel has conferred with Complaint Counsel in an effort in good faith to resolve by agreement the issues raised by the Motion. Complaint Counsel has now advised that it does not object to the issuance of the subpoenas based on the information currently known to it, but reserves the right to take the position that a request is overly burdensome as to a particular entity based on its particular circumstance.

Dated: February 13, 2020

Respectfully submitted,

s/ Louis K. Fisher

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EXHIBIT A

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

In the Matter of

Axon Enterprise, Inc.
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**[PROPOSED] ORDER ON RESPONDENT'S AMENDED AND
UNOPPOSED MOTION FOR ISSUANCE OF SUBPOENAS *DUCES TECUM*
TO LAW ENFORCEMENT AGENCIES UNDER PRACTICE RULE 3.36**

On February 13, 2020, pursuant to Rule 3.36 of the Commission's Rules of Practice, Respondent filed an Amended and Unopposed Motion for the Issuance of Subpoenas *Duces Tecum* attached hereto as Exhibits 3-31. The form of the subpoenas is attached hereto as Exhibit 1, and the subpoena recipients are identified on the list attached hereto as Exhibit 2.

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 1

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. shall mutually agree.

I. DEFINITIONS

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

1. “[Insert Name of Recipient],” “you,” or “your” each means [Insert Name of Recipient], 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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 2

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 3



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> |
|---|---|

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>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
|--|--|

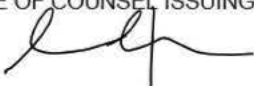
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
|--|--|
| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
|-------------------------------------|--|

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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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.

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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 4



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> |
|---|---|

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.

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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
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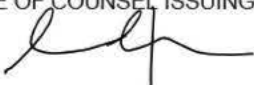
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
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| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
|-------------------------------------|--|

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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 5



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>Aurora Police Department 15001 E. Alameda Parkway Aurora, CO 80012</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>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
|--|--|

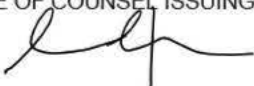
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
|--|--|
| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
|-------------------------------------|--|

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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. shall mutually agree.

I. DEFINITIONS

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

1. “Aurora Police Department,” “you,” or “your” each means the Aurora 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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 6



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>Boston Police Department One Schroeder Plaza Roxbury Crossing, MA 02120</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.

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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
|--|--|

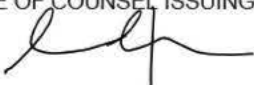
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
|-------------------------------------|--|

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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. shall mutually agree.

I. DEFINITIONS

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

1. “Boston Police Department,” “you,” or “your” each means the Boston 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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 7



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> |
|---|---|

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.

| | |
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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
|--|--|

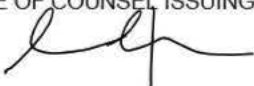
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
|--|--|
| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
|-------------------------------------|--|

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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 8



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> |
|--|---|

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.

| | |
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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
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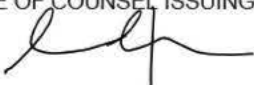
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
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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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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.

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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 9



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> |
|---|---|

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.

| | |
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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
|--|--|

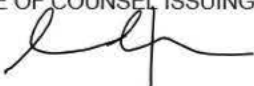
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
|--|--|
| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
|-------------------------------------|--|

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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 10



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)

| | |
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| <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> |
|--|---|

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.

| | |
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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
|--|--|

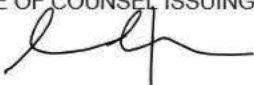
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
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|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
|-------------------------------------|--|

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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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.

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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 11



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> |
|---|---|

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.

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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
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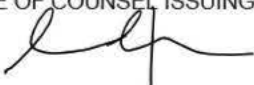
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
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| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
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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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 12



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> |
|--|---|

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>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
|--|--|

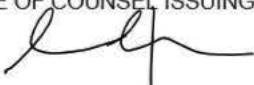
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
|--|--|
| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
|-------------------------------------|--|

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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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.

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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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 13



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>El Paso Police Department 911 N. Raynor El Paso, TX 79903</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.

| | |
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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
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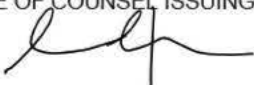
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
|--|--|
| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
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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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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.

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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 14



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>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
|--|--|

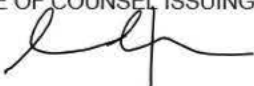
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
|-------------------------------------|--|

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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 15



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)

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| <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.

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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
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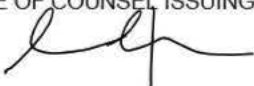
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
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| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
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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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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.

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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 16



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.

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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
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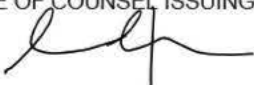
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In the Matter of Axon Enterprise, Inc. and Safariland, LLC; Docket No. 9389

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
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| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
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GENERAL INSTRUCTIONS

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4. “Viewu” means Viewu, LLC.
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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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- (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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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.

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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.

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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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 17



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)

| | |
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| <p>1. TO</p> <p>Jacksonville Florida Sheriff's Office 501 E. Bay Street Jacksonville, FL 32202</p> | <p>2. FROM</p> <p>UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p> |
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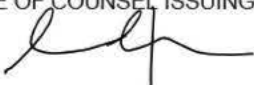
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| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
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3. “Axon” means Axon Enterprise, Inc. (or TASER,[®] as it was previously known) and all of its directors, officers, 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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 18



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>Las Vegas Police Department 400 S. Martin L. King Blvd. Las Vegas, NV 89106</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.

| | |
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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
|--|--|

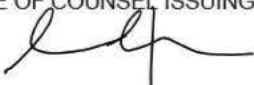
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
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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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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.

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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 19



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>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
|--|--|

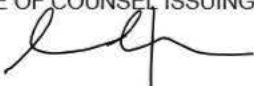
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
|--|--|
| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
|-------------------------------------|--|

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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 20



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> |
|---|---|

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.

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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
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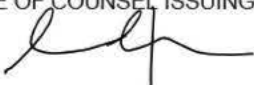
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
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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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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.

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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 21



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> |
|--|---|

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.

| | |
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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
|--|--|

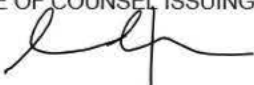
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
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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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 22



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)

| | |
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| <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> |
|--|---|

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.

| | |
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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
|--|--|

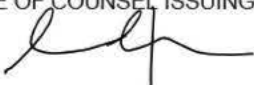
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
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| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
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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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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.

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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 23



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)

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| <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.

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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
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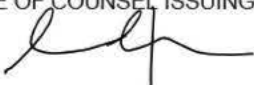
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
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| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
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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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 24



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)

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| <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> |
|---|---|

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.

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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
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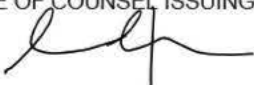
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
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| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
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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

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This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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.

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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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 25



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> |
|--|---|

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.

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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
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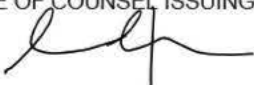
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
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| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
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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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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.

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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 26



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)

| | |
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| <p>1. TO</p> <p>Orlando Police Department 1250 West South Street Orlando, FL 32805</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.

| | |
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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
|--|--|

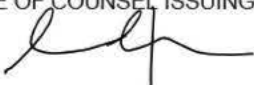
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
|-------------------------------------|--|

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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 27



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> |
|---|---|

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.

| | |
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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
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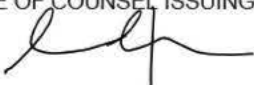
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
|--|--|
| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
|-------------------------------------|--|

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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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.

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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 28



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>Prince George's County Police Department 7600 Barlowe Road Palmer Park, MD 20785</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>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
|--|--|

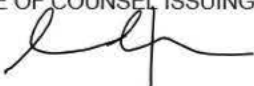
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
|--|--|
| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
|-------------------------------------|--|

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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. shall mutually agree.

I. DEFINITIONS

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

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.

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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 29



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 P.O. Box 145497 Salt Lake City, Utah 84114</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.

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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
|--|--|

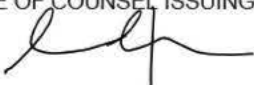
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
|--|--|
| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
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|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
|-------------------------------------|--|

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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 30



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 Ave San Antonio, TX 78207</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.

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| <p>3. PLACE OF PRODUCTION</p> <p>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
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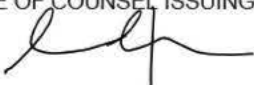
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
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| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
|-------------------------------------|--|

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 1995.

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.*), Respondent Axon Enterprise, Inc. 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 counsel for Respondent Axon Enterprise, Inc. 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 the 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.

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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

EXHIBIT 31



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)

| | |
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| <p>1. TO</p> <p>Seattle Police Department PO Box 34986 Seattle, WA 98124</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>Jones Day c/o Ryan T. Liddell 51 Louisiana Avenue, N.W. Washington, D.C. 20001-2113</p> | <p>4. MATERIAL WILL BE PRODUCED TO</p> <p>Ryan T. Liddell or designee</p> <hr/> <p>5. DATE AND TIME OF PRODUCTION</p> <p>March 10, 2020 by 5:00 p.m.</p> |
|--|--|

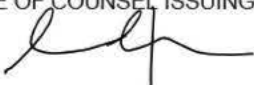
6. SUBJECT OF PROCEEDING

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

7. MATERIAL TO BE PRODUCED

Documents and materials responsive to the Request for Production of Documents Pursuant to 16 C.F.R. § 3.34 in Attachment A

| | |
|--|--|
| <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>Aaron M. Healey Jones Day 250 Vesey Street New York, NY 10281-1047 Telephone: (212) 326-3939 <i>Counsel for Respondent Axon Enterprise, Inc.</i></p> |
|--|--|

| | |
|-------------------------------------|--|
| <p>DATE SIGNED</p> <p>2/13/2020</p> | <p>SIGNATURE OF COUNSEL ISSUING SUBPOENA</p>  |
|-------------------------------------|--|

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**

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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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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.

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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.

II. INSTRUCTIONS

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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 Axon 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. Axon 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 Axon 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.
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 Viewu'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 Viewu camera caught fire while being worn by a New York City Police officer.
8. All documents relating to your knowledge, response, or reaction to Axon's acquisition of Viewu.

**EXHIBIT B
(REDACTED IN
ENTIRETY)**

**EXHIBIT C
(REDACTED IN
ENTIRETY)**

**EXHIBIT D
(REDACTED IN
ENTIRETY)**

EXHIBIT E



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

ORIGINAL

In the Matter of
Axon Enterprise, Inc.
a corporation,

and
Safariland, LLC,
a partnership,

Respondents.

Docket No. 9389

PROTECTIVE ORDER GOVERNING CONFIDENTIAL MATERIAL

Commission Rule 3.31(d) states: "In order to protect the parties and third parties against improper use and disclosure of confidential information, the Administrative Law Judge shall issue a protective order as set forth in the appendix to this section." 16 C.F.R. § 3.31(d). Pursuant to Commission Rule 3.31(d), the protective order set forth in the appendix to that section is attached verbatim as Attachment A and is hereby issued.

ORDERED:

Dm Chappell

D. Michael Chappell
Chief Administrative Law Judge

Date: January 6, 2020

ATTACHMENT A

For the purpose of protecting the interests of the parties and third parties in the above-captioned matter against improper use and disclosure of confidential information submitted or produced in connection with this matter:

IT IS HEREBY ORDERED THAT this Protective Order Governing Confidential Material (“Protective Order”) shall govern the handling of all Discovery Material, as hereafter defined.

1. As used in this Order, “confidential material” shall refer to any document or portion thereof that contains privileged, competitively sensitive information, or sensitive personal information. “Sensitive personal information” shall refer to, but shall not be limited to, an individual’s Social Security number, taxpayer identification number, financial account number, credit card or debit card number, driver’s license number, state-issued identification number, passport number, date of birth (other than year), and any sensitive health information identifiable by individual, such as an individual’s medical records. “Document” shall refer to any discoverable writing, recording, transcript of oral testimony, or electronically stored information in the possession of a party or a third party. “Commission” shall refer to the Federal Trade Commission (“FTC”), or any of its employees, agents, attorneys, and all other persons acting on its behalf, excluding persons retained as consultants or experts for purposes of this proceeding.
2. Any document or portion thereof submitted by a respondent or a third party during a Federal Trade Commission investigation or during the course of this proceeding that is entitled to confidentiality under the Federal Trade Commission Act, or any regulation, interpretation, or precedent concerning documents in the possession of the Commission, as well as any information taken from any portion of such document, shall be treated as confidential material for purposes of this Order. The identity of a third party submitting such confidential material shall also be treated as confidential material for the purposes of this Order where the submitter has requested such confidential treatment.
3. The parties and any third parties, in complying with informal discovery requests, disclosure requirements, or discovery demands in this proceeding may designate any responsive document or portion thereof as confidential material, including documents obtained by them from third parties pursuant to discovery or as otherwise obtained.
4. The parties, in conducting discovery from third parties, shall provide to each third party a copy of this Order so as to inform each such third party of his, her, or its rights herein.
5. A designation of confidentiality shall constitute a representation in good faith and after careful determination that the material is not reasonably believed to be already in the public domain and that counsel believes the material so designated constitutes confidential material as defined in Paragraph 1 of this Order.

6. Material may be designated as confidential by placing on or affixing to the document containing such material (in such manner as will not interfere with the legibility thereof), or if an entire folder or box of documents is confidential by placing or affixing to that folder or box, the designation "CONFIDENTIAL – FTC Docket No. 9389" or any other appropriate notice that identifies this proceeding, together with an indication of the portion or portions of the document considered to be confidential material. Confidential information contained in electronic documents may also be designated as confidential by placing the designation "CONFIDENTIAL – FTC Docket No. 9389" or any other appropriate notice that identifies this proceeding, on the face of the CD or DVD or other medium on which the document is produced. Masked or otherwise redacted copies of documents may be produced where the portions deleted contain privileged matter, provided that the copy produced shall indicate at the appropriate point that portions have been deleted and the reasons therefor.

7. Confidential material shall be disclosed only to: (a) the Administrative Law Judge presiding over this proceeding, personnel assisting the Administrative Law Judge, the Commission and its employees, and personnel retained by the Commission as experts or consultants for this proceeding; (b) judges and other court personnel of any court having jurisdiction over any appellate proceedings involving this matter; (c) outside counsel of record for any respondent, their associated attorneys and other employees of their law firm(s), provided they are not employees of a respondent; (d) anyone retained to assist outside counsel in the preparation or hearing of this proceeding including consultants, provided they are not affiliated in any way with a respondent and have signed an agreement to abide by the terms of the protective order; and (e) any witness or deponent who may have authored or received the information in question.

8. Disclosure of confidential material to any person described in Paragraph 7 of this Order shall be only for the purposes of the preparation and hearing of this proceeding, or any appeal therefrom, and for no other purpose whatsoever, provided, however, that the Commission may, subject to taking appropriate steps to preserve the confidentiality of such material, use or disclose confidential material as provided by its Rules of Practice; sections 6(f) and 21 of the Federal Trade Commission Act; or any other legal obligation imposed upon the Commission.

9. In the event that any confidential material is contained in any pleading, motion, exhibit or other paper filed or to be filed with the Secretary of the Commission, the Secretary shall be so informed by the Party filing such papers, and such papers shall be filed *in camera*. To the extent that such material was originally submitted by a third party, the party including the materials in its papers shall immediately notify the submitter of such inclusion. Confidential material contained in the papers shall continue to have *in camera* treatment until further order of the Administrative Law Judge, provided, however, that such papers may be furnished to persons or entities who may receive confidential material pursuant to Paragraphs 7 or 8. Upon or after filing any paper containing confidential material, the filing party shall file on the public record a duplicate copy of the paper that does not reveal confidential material. Further, if the protection for any such material expires, a party may file on the public record a duplicate copy which also contains the formerly protected material.

10. If counsel plans to introduce into evidence at the hearing any document or transcript containing confidential material produced by another party or by a third party, they shall provide advance notice to the other party or third party for purposes of allowing that party to seek an order that the document or transcript be granted *in camera* treatment. If that party wishes *in camera* treatment for the document or transcript, the party shall file an appropriate motion with the Administrative Law Judge within 5 days after it receives such notice. Except where such an order is granted, all documents and transcripts shall be part of the public record. Where *in camera* treatment is granted, a duplicate copy of such document or transcript with the confidential material deleted therefrom may be placed on the public record.

11. If any party receives a discovery request in any investigation or in any other proceeding or matter that may require the disclosure of confidential material submitted by another party or third party, the recipient of the discovery request shall promptly notify the submitter of receipt of such request. Unless a shorter time is mandated by an order of a court, such notification shall be in writing and be received by the submitter at least 10 business days before production, and shall include a copy of this Protective Order and a cover letter that will apprise the submitter of its rights hereunder. Nothing herein shall be construed as requiring the recipient of the discovery request or anyone else covered by this Order to challenge or appeal any order requiring production of confidential material, to subject itself to any penalties for non-compliance with any such order, or to seek any relief from the Administrative Law Judge or the Commission. The recipient shall not oppose the submitter's efforts to challenge the disclosure of confidential material. In addition, nothing herein shall limit the applicability of Rule 4.11(e) of the Commission's Rules of Practice, 16 CFR 4.11(e), to discovery requests in another proceeding that are directed to the Commission.

12. At the time that any consultant or other person retained to assist counsel in the preparation of this action concludes participation in the action, such person shall return to counsel all copies of documents or portions thereof designated confidential that are in the possession of such person, together with all notes, memoranda or other papers containing confidential information. At the conclusion of this proceeding, including the exhaustion of judicial review, the parties shall return documents obtained in this action to their submitters, provided, however, that the Commission's obligation to return documents shall be governed by the provisions of Rule 4.12 of the Rules of Practice, 16 CFR 4.12.

13. The provisions of this Protective Order, insofar as they restrict the communication and use of confidential discovery material, shall, without written permission of the submitter or further order of the Commission, continue to be binding after the conclusion of this proceeding.

EXHIBIT F

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

In the Matter of:)
AXON ENTERPRISE, INC.,)
a corporation,) Docket No. 9389
and)
SAFARILAND, LLC,)
a corporation.)
-----)

Thursday, January 30, 2020

2:00 p.m.

PRETRIAL CONFERENCE

PUBLIC RECORD

BEFORE THE HONORABLE D. MICHAEL CHAPPELL
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C.

Reported by: Susanne Bergling, RMR-CRR

Pretrial Conference
Axon Enterprises & Safariland

1/30/2020

1 APPEARANCES:

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Pretrial Conference
Axon Enterprises & Safariland

1/30/2020

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Axon Enterprises & Safariland
Pretrial Conference

1/30/2020

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| 2 | | |
| 3 | ARGUMENT | PAGE |
| 4 | MS. MILICI | 15, 45 |
| 5 | MS. MCEVOY | 27, 46 |
| 6 | MR. OSTOYICH | 41 |
| 7 | | |
| 8 | | |
| 9 | | |
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Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 P R O C E E D I N G S

2 - - - - -

3 JUDGE CHAPPELL: Let's go on the record, Docket
4 Number 9389, Axon Enterprise, Inc. and Safariland.

5 I'll start with the appearances of the parties,
6 the Government first.

7 MS. MILICI: Good afternoon, Your Honor,
8 Jennifer Milici for Complaint Counsel, and I have with
9 me at table Peggy Femenella and Lincoln Mayer.

10 JUDGE CHAPPELL: Thank you.

11 For Respondents?

12 MS. MCEVOY: Good afternoon, Your Honor. Julia
13 McEvoy from Jones Day, and we're excited to see the
14 updates aren't any quicker for the Federal Trade
15 Commission. With me today is Pam Petersen, Axon
16 Enterprise's director of litigation, and my colleagues
17 from Jones Day, Aaron Healey at the end of the table
18 and Lou Fisher behind me.

19 MR. OSTOYICH: Your Honor, I am going to stand
20 right here if it's okay. Joe Ostoyich, with Baker
21 Botts, for Respondent Safariland LLC, and Christine
22 Ryu-Naya and Caroline Jones behind me, also from Baker
23 Botts.

24 JUDGE CHAPPELL: Okay, thank you.

25 The complaint alleges the acquisition by Axon

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 of -- somebody tell me how to pronounce V-I-E-V-U --

2 MS. MCEVOY: "VieVu," Your Honor.

3 JUDGE CHAPPELL: -- VieVu from Safariland in
4 May 2018. The notice of contemplated relief in this
5 complaint seeks divestiture among numerous other
6 things.

7 What is the status of the integration? Is it a
8 done deal? Is it complete?

9 MS. MCEVOY: Yes, Your Honor. The transaction
10 was consummated in May of 2018. So the parties have
11 fully integrated their operations.

12 JUDGE CHAPPELL: Okay. It's one entity now?

13 MS. MCEVOY: Yes, sir. I'm sorry, perhaps I
14 could let Ms. Petersen address the specifics of that,
15 because I don't want the record to be confused.

16 MS. PETERSEN: VieVu is still a subsidiary, and
17 Axon is honoring VieVu's subcontracts, as they were
18 when we acquired the company, to the extent that those
19 customers haven't made other choices about where they
20 wanted to have their business.

21 JUDGE CHAPPELL: And VieVu, is that mostly
22 software?

23 MS. PETERSEN: It's -- they have body-worn
24 cameras and the digital evidence management systems as
25 well.

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 JUDGE CHAPPELL: Okay. And Axon was just
2 cameras?

3 MS. MCEVOY: No, Your Honor. Both.

4 JUDGE CHAPPELL: Both? Do the products that
5 are being sold still have "Axon" on them and "VieVu" on
6 them?

7 MS. PETERSEN: There are still both products in
8 the field depending on the agency.

9 JUDGE CHAPPELL: Okay. And the plan is to
10 leave it that way for now?

11 MS. PETERSEN: I'm sorry?

12 MS. MCEVOY: The plan is to leave it that way
13 for now?

14 MS. PETERSEN: It's up to the customer's
15 discretion in terms of what they want to do. If they
16 want to stay on VieVu's platform and products, that is
17 being honored pursuant to their contracts.

18 JUDGE CHAPPELL: And based on what I read in
19 the pleadings, these are different products. Axon has
20 products they make and which are different from VieVu's
21 products or body cameras.

22 MS. PETERSEN: They certainly have different
23 models, different features, different levels of
24 sophistication for sure.

25 JUDGE CHAPPELL: All right, thank you.

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 I understand there is a pending or parallel
2 district court case. Can someone give me the status of
3 that?

4 MS. MILICI: Your Honor, there is a motion for
5 a preliminary injunction pending in the District of
6 Arizona. I believe that -- the FTC has filed an
7 opposition, and I believe that the reply brief is due
8 today, and the Court is expected to make a decision
9 next week, in the next week or so.

10 JUDGE CHAPPELL: Do you agree?

11 MS. PETERSEN: I have no information about when
12 the Court's expected to make a decision. We hope that
13 they will act promptly, but, yes, we plan on filing
14 that reply today and asking for expedited consideration
15 of that motion.

16 JUDGE CHAPPELL: Has the case been submitted?
17 Have you had any kind of hearing or anything?

18 MS. PETERSEN: No, Your Honor. The complaint
19 was filed on January 3rd and followed the next week
20 with the preliminary injunction motion. We have not
21 been before the Court yet, simply given them briefing
22 on the preliminary injunction motion.

23 JUDGE CHAPPELL: So what is the ruling you
24 expect?

25 MS. MILICI: Your Honor, I apologize if I had

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 that wrong. The information that I had was that we
2 were expecting a ruling, and I thought that was
3 something that the Court had said, but perhaps I am
4 incorrect on that.

5 My understanding is that the preliminary
6 injunction will be fully briefed as of today, and the
7 Court could hold a hearing or decide it on the papers.

8 JUDGE CHAPPELL: And didn't you say also
9 declaratory judgment?

10 MS. PETERSEN: Yes, declaratory judgment and
11 injunctive relief both in that complaint.

12 JUDGE CHAPPELL: And you expect a ruling on
13 both of those?

14 MS. MILICI: No, Your Honor. To be clear, just
15 on the motion for preliminary injunction that's
16 currently pending.

17 JUDGE CHAPPELL: All right. I will need the
18 parties to keep me updated on that case. Please send
19 my office a courtesy copy of any public versions of
20 dispositive or substantive orders and any briefs or
21 motions you think I should see.

22 Now, let's talk about the scheduling order. I
23 provided the parties a draft scheduling order, and I
24 have a number of proposed changes, but they were
25 submitted in joint form, so I will incorporate them

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 since evidently they're agreed to.

2 I do want to note the parties proposed to add a
3 provision suggesting -- seeking leave to present
4 witness testimony by video deposition. I will include
5 that phrase, but the parties are discouraged from
6 seeking to present video depositions. We don't like to
7 sit here and watch TV. We like live witnesses.

8 There is a provision, additional provision 23
9 in the scheduling order, if you want to present
10 excerpts from video depositions. Before you attempt
11 that, I expect the parties to have consulted and
12 agreed. I don't want to hear live objections to
13 deposition excerpts -- video excerpts that may be
14 played in court.

15 Based on what I heard about a court in Arizona,
16 I'm assuming no, but have the parties attempted to
17 settle this matter?

18 MS. MILICI: Your Honor, the FTC is always
19 happy to settle matters, and in this case where there
20 is ongoing harm to police departments, we think
21 restoring the lost competition is an urgent matter --

22 JUDGE CHAPPELL: Can we just have facts without
23 argument?

24 MS. MILICI: Absolutely, Your Honor. There
25 were discussions, and we hope to continue discussions.

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 There aren't any happening right this second.

2 JUDGE CHAPPELL: Okay, thank you. That kind of
3 sounded like answers I heard in the Senate yesterday.

4 Go ahead.

5 MS. PETERSEN: There were discussions in
6 December when we were meeting --

7 JUDGE CHAPPELL: I need you to speak up a
8 little.

9 MS. PETERSEN: Yes. There were discussions --

10 JUDGE CHAPPELL: There is a microphone there.

11 MS. PETERSEN: There were discussions relating
12 to settling in December when we met with the front
13 office staff and the Commissioners, and at that time,
14 before the enforcement action was filed, we submitted a
15 substantial settlement proposal that was not accepted
16 by the FTC.

17 JUDGE CHAPPELL: Well, we're in public session.
18 Can you tell me anything about that proposal that is --
19 can be public, or not?

20 MS. PETERSEN: I can tell you what is public is
21 that we offered to divest completely VieVu, not only
22 all of the assets that the company acquired but also
23 our improvements to those products and those assets, as
24 well as infuse the new company with \$5 million in cash.

25 JUDGE CHAPPELL: Okay. Let's say you bought a

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 pie with five slices. Did you agree to divest the
2 whole pie that you bought?

3 MS. PETERSEN: Yes.

4 JUDGE CHAPPELL: You did?

5 MS. PETERSEN: We did.

6 JUDGE CHAPPELL: Why is that rejected?

7 MS. MILICI: Your Honor, this is a technology
8 market where improvements -- the technology is changing
9 all the time, and I think we have a factual
10 disagreement about whether VieVu's technology has been
11 updated. In fact, Axon has been moving its
12 customers -- VieVu's customers from VieVu's platform to
13 Axon. It has not been developing it in a way one would
14 if it was going to keep a competitive product.

15 The relief that we are seeking, of course, is
16 to restore the lost competition, competition that was
17 lost by the transaction. What set of assets that would
18 require would depend on the buyer and what the buyer's
19 bringing to the table, but certainly taking the VieVu
20 product as it existed a year and a half ago and
21 divesting it would not replace the competition that was
22 lost.

23 JUDGE CHAPPELL: And so the Government's
24 position is that some company that the bureaucracy
25 finds to take over these assets, should the Government

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 succeed, is going to help competition a lot better than
2 something that could be worked out by the parties,
3 where you name a master or somebody and they handle
4 this whole thing? You understand that doesn't really
5 work out if you look at history.

6 MS. MILICI: Understood, Your Honor, and I
7 think that that's not our position. Our position is
8 that we would hope to be able to work something out
9 with Respondents, but it would have to be a solution
10 that recreated the lost competition, and certainly just
11 selling off the assets that had essentially been
12 shelved for a while is not going to replace that lost
13 competition.

14 JUDGE CHAPPELL: So if you were convinced that
15 the Respondents presented a proposal and you were
16 convinced that this is what they bought and they're
17 willing to divest what they bought, that's not enough?

18 MS. MILICI: Your Honor, no, it wouldn't be in
19 this case, and, again, it depends -- this is a
20 technology market, and the technology has evolved over
21 the last two years --

22 JUDGE CHAPPELL: Well, you understand that
23 divestiture is something that, although drastic, it can
24 happen. You bought this, it's gone, you can't have it.
25 But restoring competition, as I keep referring to, you

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 understand how amorphous that is, how hard that is to
2 get to, to put that --

3 MS. MILICI: I do, Your Honor.

4 JUDGE CHAPPELL: -- to put Humpty-Dumpty back
5 together again.

6 MS. MILICI: I do understand that, Your Honor,
7 and it is always a difficult and complicated process,
8 but I think it's an important one to do. This lost
9 competition is harming police departments, and our job
10 is to make them whole again and to create -- recreate
11 the lost competition, and that's what our aim will be.

12 JUDGE CHAPPELL: Well, I would advise the
13 Government to seriously consider any proposal, because
14 you may just get what you wished for if you succeed and
15 find out that competition is in a much worse state than
16 it is at the present.

17 MS. MILICI: Absolutely, Your Honor, and that
18 would, of course, never be our goal.

19 JUDGE CHAPPELL: I understand it's not your
20 goal. I'm talking about reality and history.

21 MS. MILICI: Absolutely, Your Honor.
22 Understood.

23 JUDGE CHAPPELL: At this time, I will listen to
24 the overview or summary of the case. Each side is
25 limited to 15 minutes.

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 Have Respondents worked out a plan for the 15
2 minutes?

3 MS. MCEVOY: Roughly, Your Honor, yes.

4 JUDGE CHAPPELL: Okay. Am I going to have to
5 hold a stopwatch here or -- because Mr. Ostoyich's
6 there, and I know how he works.

7 All right. Government, go ahead.

8 MS. MILICI: Thank you, Your Honor.

9 Before I get started, I do have copies of the
10 presentation that I would be happy to distribute to the
11 court reporter and Your Honor and your attorney-advisor
12 and Respondents.

13 JUDGE CHAPPELL: Please do that. I don't need
14 it if it's on the screen.

15 MS. MILICI: Okay. Thank you, Your Honor.

16 THE REPORTER: And please keep your voice up.

17 MS. MILICI: Thank you, Your Honor.

18 Your Honor, because this is a public
19 proceeding, this presentation -- these are materials
20 from public sources, including analyst and press
21 reports and presentations that Axon made to investors
22 and the Government. At trial, the evidence -- which
23 may be in camera -- will support the statements in
24 these documents.

25 Your Honor, in May of 2018, Respondent Axon

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 acquired VieVu from Respondent Safariland. Axon had
2 been the dominant supplier of body-worn camera systems
3 to large metropolitan police departments. Axon is also
4 a dominant supplier in conductive electrical weapons,
5 which they sell under the brand name TASER. Until
6 2017, the corporation's name was TASER International.

7 VieVu was the number two competitor in the sale
8 of body-worn camera systems at the time of the
9 acquisition. Respondent Safariland, in addition to
10 selling body-worn camera systems through its VieVu
11 division, also sold and still sells other equipment to
12 law enforcement agencies, like holsters and body armor.

13 Now, body-worn cameras are, as the name
14 suggests, cameras that are worn on the body of police
15 officers to document encounters between the police and
16 the public. Body-worn cameras serve important
17 functions. As this slide here shows -- and this is
18 from an Axon investor presentation -- body-worn cameras
19 may be used in use of force by police officers, reduce
20 and help resolve community complaints, and improve
21 evidence collection, which can lead to increased guilty
22 pleas and --

23 JUDGE CHAPPELL: You mean complaints by the
24 people, not -- you're not talking about complaints by
25 the police force that may or may not want to wear them.

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 MS. MILICI: I'm sorry, Your Honor. I'm not
2 sure that I heard your whole question.

3 JUDGE CHAPPELL: I see you talking about
4 complaints here. Complaints by whom?

5 MS. MILICI: Your Honor, again, this is a slide
6 from an Axon investor presentation. I understand that
7 body-worn camera evidence can be used both to resolve
8 complaints from the community and also to resolve
9 evidentiary disputes, evidence against people who are
10 accused of crimes.

11 JUDGE CHAPPELL: I just assumed if you put a
12 slide up there, you would be able to answer questions
13 about the slide.

14 MS. MILICI: Understood, Your Honor. I do
15 understand that in this context it's -- they are
16 referring to community complaints, but at the same
17 time, I think that they are also referring to an
18 increase in guilty pleas, which is a common complaint
19 by police officers.

20 Body-worn cameras are designed for law
21 enforcement use. They need to have a long battery life
22 to cover shifts that may last up to 12 hours; they need
23 to be securely mounted to an officer's body, usually on
24 the officer's uniform; and they need to be durable.

25 Other important features include things like

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 auto-activation, and that's a mechanism that prompts
2 the camera to activate when, for example, an officer
3 draws his or her weapon.

4 And a related feature that's also important to
5 large metropolitan police departments is the pre-event
6 buffer, and that's the ability to capture footage prior
7 to the event that prompted that activation. That
8 buffer is what allows the police department and the
9 public to see what happened right before a weapon was
10 pulled.

11 Now, as this slide -- which is also from an
12 Axon investor presentation -- shows, a law enforcement
13 body-worn camera program needs more than just the
14 camera to be successful. It also requires the ability
15 to transfer, store, and manage a tremendous amount of
16 data and to do so in a way that makes the video easily
17 accessible when necessary, all while maintaining
18 security and the chain of custody.

19 The storage and management component, as we
20 just discussed here, is called a digital evidence
21 management system, or DEMS. Police departments
22 frequently issue requests for proposals seeking to
23 purchase body-worn cameras and DEMS together as an
24 integrated body-worn camera system.

25 In fact, in a lawsuit it filed against VieVu

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 prior to the acquisition, Axon itself alleged that its
2 cameras, software, and storage were sold together as a
3 body-worn video system. This slide shows an allegation
4 from that complaint.

5 Now, Axon uses a slightly different acronym.
6 They refer to a BWV for body-worn video instead of a
7 BWC for a body-worn camera. That's an immaterial
8 distinction. Axon's complaint states that the camera
9 is only one component of a complete system which
10 requires software and storage.

11 As Axon alleges, given the complexity, most
12 agencies turn to third-party vendors for an end-to-end
13 solution, and this is exactly what the complaint
14 alleges here.

15 JUDGE CHAPPELL: Hold on a second.

16 (Discussion off the record.)

17 JUDGE CHAPPELL: You are going to need to slow
18 down.

19 MS. MILICI: Certainly, Your Honor. I
20 certainly will.

21 The relevant market here is the sale of
22 body-worn camera systems to large metropolitan police
23 departments in the United States. Axon -- and before
24 the acquisition, VieVu -- focused on selling body-worn
25 camera systems to large metropolitan police

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 departments. Why? Because those customers had
2 technical requirements that very few suppliers could
3 fill and often the only suppliers who could meet the
4 technical requirements were Axon and VieVu.

5 JUDGE CHAPPELL: I noticed in the pleadings,
6 one of the Respondents didn't really want to agree with
7 whatever you mean by a "large metropolitan police
8 department." Do you think the parties can come to some
9 understanding on your terminology?

10 MS. MILICI: Your Honor, I hope that we can,
11 and if we cannot, I would expect us both to be
12 presenting evidence.

13 So what makes large departments different is
14 that they have a lot of sworn officers who police on
15 their feet --

16 JUDGE CHAPPELL: I have a question. What do
17 you mean by "large"? Are you talking about population?
18 Are you talking about square miles? How do you define
19 it?

20 MS. MILICI: So, Your Honor, I was going to get
21 to this next, but the parties certainly in their own
22 documents recognize that large metropolitan police
23 departments --

24 JUDGE CHAPPELL: So you are using their
25 terminology?

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 MS. MILICI: We are using -- we are referring
2 to a distinct customer segment that Axon and VieVu
3 recognize, and if you like, I can just skip ahead to
4 the next slide here.

5 JUDGE CHAPPELL: I'm just trying to find some
6 benchmark. For example, you know, is Richmond a large
7 metro PD? You know, what about Roanoke, Virginia?
8 What about Charlottesville, Manassas?

9 MS. MILICI: Understood, Your Honor, and I
10 don't have a list memorized at this moment, but I
11 wanted to show you this slide, which is from -- another
12 slide from an Axon investor presentation, and as this
13 slide shows, Axon itself is -- considers large
14 metropolitan police departments as a distinct group of
15 customers.

16 And here, this is showing the number of
17 contracts that Axon and VieVu had with members of the
18 U.S. Major City Chiefs Association, and that agency or
19 that organization, which is called the MCCA, is
20 designed to include the largest metropolitan police
21 departments in the country.

22 And membership in the MCCA is determined by
23 both the combination of the number of sworn officers
24 and the population. So I think that those are -- using
25 both metrics to determine what's large and what's

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 medium and what's metropolitan versus what isn't, and
2 those end up being the metrics that are used by the
3 MCCA.

4 But ultimately, where exactly you draw the line
5 between what's a large police department and what's a
6 medium police department, it doesn't matter to this
7 case. Whether it's a thousand officers or 900
8 officers, whether it's a population of a million or
9 800,000, it doesn't change the outcome here, which is
10 that the transaction is presumptively unlawful and
11 there's evidence of anticompetitive effects.

12 JUDGE CHAPPELL: So you're telling me you can
13 do the math without definitively defining the customer?

14 MS. MILICI: Your Honor, I -- Your Honor, I
15 think what I'm saying is that when you do the math with
16 the different definitions, it comes out with the same
17 result, which is that the market shares greatly exceed
18 the thresholds set forth -- create HHIs that greatly
19 exceed the thresholds set forth in the documents.

20 So as this slide shows, Axon supplied 42 MCCA
21 agencies and VieVu supplied five, and there are four
22 other competitors on this slide that each had five or
23 fewer contracts each. Now, this is a market with very
24 few competitors, and while you'll notice the names of
25 big companies like Panasonic and Motorola here, the

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Axon Enterprises & Safariland

1/30/2020

1 fact of the matter is that, despite years of being in
2 this market, as this slide shows, they have not been
3 successful.

4 But these numbers on this slide also understate
5 VieVu's competitive significance, because in this
6 representation, each large metro police department is
7 counted equally, but VieVu, in fact, had a contract
8 with the largest police department by far in this
9 country, the NYPD. NYPD has more than 30,000 officers.
10 Market shares calculated by number of officers showed
11 VieVu with a significantly larger share of sales to
12 large metropolitan police departments than any vendor
13 on this page, other than Axon.

14 We included those market shares in the
15 complaint, but given potential confidentiality
16 concerns, I am not going to show them here, but I can
17 say, without disclosing confidential information, that
18 Axon and VieVu are clearly number one and number two by
19 market share, and the number three company has a share
20 significantly smaller than VieVu's.

21 At trial, Complaint Counsel will put on a
22 substantial amount of direct evidence on competitive
23 effects. That will be the core focus of our case, but
24 we will also show that the merger is presumptively
25 illegal no matter where you cut this difference between

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Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 large and medium.

2 Now, direct evidence that the merger harms
3 competition that we will introduce at trial includes
4 evidence showing that VieVu and Axon competed
5 aggressively to supply body-worn camera systems to
6 large metropolitan police departments prior to the
7 merger.

8 Now, as I mentioned, VieVu beat out Axon for
9 the NYPD contract, which was a big deal in the industry
10 and a big loss for Axon. This is an article -- on this
11 slide is an article from a publication for investors
12 that identified VieVu as Axon's -- which was then
13 called Taser -- Axon's arch enemy because it won the
14 NYPD contract.

15 In fact, in this article and elsewhere in the
16 press, analysts predicted that competition from VieVu
17 could lead to reduced margins, fewer contracts, and
18 less revenue growth for Axon.

19 In addition to the NYPD, VieVu beat out Axon
20 for contracts with Miami-Dade, Phoenix, and others. By
21 the time of the merger, as this publication notes,
22 VieVu was Axon's largest rival. Given Axon's already
23 dominant position in the market for body-worn camera
24 systems, the merger created, in the words of this
25 author, a "near monopoly."

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Axon Enterprises & Safariland

1/30/2020

1 That VieVu was Axon's closest competitor at the
2 time of the acquisition was widely reported. Here is a
3 Bloomberg article identifying VieVu as Axon's main
4 competitor and Axon and VieVu as the two largest
5 providers of body-worn cameras. The evidence at trial
6 will establish that this is true. And the evidence
7 will also establish that for many large metropolitan
8 police departments, Axon and VieVu were the number one
9 and two choices and often the only two suppliers
10 capable of meeting their technical requirements.

11 So the evidence will show that the effect of
12 Axon purchasing its main competitor is to substantially
13 lessen competition for the sale of body-worn camera
14 systems to large metropolitan police departments.
15 Prior to the acquisition, Axon and VieVu bid intensely,
16 and that competition resulted in lower prices and
17 better products for police departments.
18 Competition for the sale of body-worn camera systems
19 since the acquisition has suffered, which means police
20 departments will pay more for body-worn cameras and get
21 less in return.

22 In addition, the agreements Respondents entered
23 into in connection with the merger restrained
24 competition on other products and services sold to law
25 enforcement. Remember, both of these companies sell

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 other products to law enforcement. By transferring
2 ownership of VieVu from Safariland to Axon, Respondents
3 agreed to broaden noncompete and nonsolicitation
4 provisions. While the merger would be unlawful with or
5 without these noncompete or nonsolicitation provisions,
6 the noncompetes extended the scope of the competitive
7 harm beyond the market for body-worn camera systems.

8 Finally, Respondents raise several arguments in
9 their answer, but all of them fail. Because of high
10 entry barriers, no company is likely to replace the
11 competition lost by the acquisition. Respondents
12 cannot establish merger-specific efficiencies
13 sufficient to offset the harm. This merger did not
14 significantly increase output or decrease costs.

15 Now, most likely my colleagues on the other
16 side here will spend a lot of their time arguing that
17 Safariland or VieVu were failing at the time of the
18 acquisition. According to that argument, as far as I
19 understand it, they contend that winning the NYPD
20 contract somehow made VieVu less competitive, and that
21 isn't true.

22 In fact, VieVu remained a formidable competitor
23 up 'til the day that Axon bought it, and Respondents
24 cannot meet the requirements -- the legal requirements
25 for establishing a failing firm defense. Among other

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Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 things, Safariland paid its bills on time, never
2 seriously considered bankruptcy, and did not adequately
3 shop new assets, but instead completely excluded
4 financial buyers from consideration.

5 So, in sum, the evidence will clearly show that
6 the merger is anticompetitive and will harm police
7 departments and the communities that they serve. Thank
8 you, Your Honor.

9 JUDGE CHAPPELL: All right, thank you.
10 Go ahead.

11 MS. MCEVOY: Thank you, Your Honor. Your
12 comments about divestiture and what it would mean for
13 replacing lost competition are particularly apt. As
14 you'll hear and as my colleague on the other side
15 hinted, we're going to tell you about VieVu and that it
16 was, in fact, a failing firm. It wasn't an effective
17 competitor in 2018, and it certainly wouldn't be now.

18 The ultimate question in this case, of course,
19 is whether the Commission can prove its claim that
20 Axon's 2018 acquisition of VieVu substantially lessened
21 competition for the sale of body-worn cameras and
22 digital evidence management systems. Answering this
23 question will require the Court to assess whether the
24 proposed customer market -- ambiguously defined, as you
25 noted, as large metropolitan police departments --

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 accurately captures the wide and increasingly varied
2 range of agencies and businesses that employ these
3 technologies.

4 JUDGE CHAPPELL: The screen that I saw,
5 supposedly it was from one of the Respondents, what
6 did -- what did "large metro PD" mean as used by the
7 company?

8 MS. MCEVOY: Well, there is -- I don't know
9 which document, Your Honor, that that comes from, and
10 so I wouldn't want to speculate as to what a particular
11 document might have meant.

12 JUDGE CHAPPELL: Well, let's talk about your
13 client. Do they only sell to what they consider to be
14 large police departments?

15 MS. MCEVOY: Absolutely not, Your Honor. I was
16 struck by a statistic I saw the other day that by
17 officer count, the members of the Major City Chiefs
18 Association -- and I'd need to go back and double-check
19 this -- but I believe it was less than 5 percent of all
20 of the officers in the country, and Axon employees are
21 responding to RFPs for as many as 1200 police agencies
22 across the country.

23 And what you'll hear from us when we get to
24 trial, Your Honor, should we not be able to resolve
25 this short of trial, is that we are aggressively

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 competing for all of those, and, in fact, many of those
2 customers do have the same needs. The police officer
3 walking down the same street in -- excuse me, walking
4 down the street in Topeka may well have the same needs
5 as the officer walking down the street in Seattle. And
6 so there is not a meaningful difference between those
7 two agencies for purposes of its needs when it comes to
8 putting out an RFP for body-worn cameras and/or digital
9 evidence management systems.

10 JUDGE CHAPPELL: Do large metro PDs include
11 sheriff's departments?

12 MS. MCEVOY: I would think --

13 JUDGE CHAPPELL: For example, in Houston, the
14 City of Houston I'm sure would be in your category as a
15 large metro PD, but Harris County includes and
16 surrounds Houston, and that's going to be massive also,
17 but they're sheriffs.

18 MS. MCEVOY: Correct, and there is a separate
19 sheriffs association -- and Ms. Petersen will correct
20 me if I'm wrong -- but there is a Major Cities or Major
21 County Sheriffs Association -- I want to get the
22 terminology right -- but they have their own separate
23 trade association, which is effectively what this is,
24 and I'm not sure that the membership criteria that --
25 for the MCCA that my colleague cited for you are

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 entirely accurate, but I think it -- suffice it to say
2 for present purposes that we think the customer market
3 is much broader here than "large departments" or
4 membership in the Major City Chiefs Association.

5 JUDGE CHAPPELL: Do you foresee a problem in
6 this litigation coming to some agreement with the
7 Government on how to define terms like "large metro
8 PD"?

9 MS. MCEVOY: We may be able to reach agreement
10 about what that means. We certainly would argue the
11 legal import of that, which, of course, would be the
12 question that you would need to decide. Even if we
13 agree with what the Government -- what the boundaries
14 of the Government's proposed market are, we would
15 certainly argue about whether that was an inappropriate
16 line to draw.

17 JUDGE CHAPPELL: Well, right, and I'm not
18 talking about relevant or geographic market. I'm
19 talking about customers.

20 MS. MCEVOY: Um-hum.

21 JUDGE CHAPPELL: So we can have general terms
22 with specific definitions so we all are in agreement on
23 what we're talking about.

24 MS. MCEVOY: Your Honor, we have only recently
25 become involved in the case, but I understand that

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 that's been a request that Axon and Safariland have
2 been making for some time, please tell us what your
3 proposed market is, FTC, please tell us what you mean
4 by "large," and we have not gotten a definitive answer
5 on that, and it would certainly help narrow the issues
6 for trial.

7 JUDGE CHAPPELL: What do you propose as the
8 margin?

9 MS. MCEVOY: Well, that's not our burden, Your
10 Honor, with all due respect, and that would be
11 certainly a matter of expert testimony --

12 JUDGE CHAPPELL: So your position will be
13 whatever the Government says their position is, you're
14 wrong, but you're not going to say this is what it is?

15 MS. MCEVOY: Your Honor, I would defer to my
16 experts on that, as we are just starting to develop the
17 record and the evidence here. You know, the Government
18 has had 18 months to take discovery of lots of
19 different agencies. We're just getting started.

20 JUDGE CHAPPELL: Eighteen months that you know
21 of.

22 MS. MCEVOY: That's absolutely correct, Your
23 Honor.

24 So I submit, Your Honor, that math does matter
25 here, because obviously what that math tells you about

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 how these companies competed, whether they were, in
2 fact, competing one and two in a bid market and not a
3 traditional sales market, what that means for purposes
4 of analyzing the market.

5 We'll also need to know and for you to decide
6 whether that proposed product market, which includes
7 integrated body-worn camera and digital evidence
8 management systems, reflects commercial reality. In
9 fact, they are separate products, and customers can and
10 do choose, even as the Government's slide indicates --

11 JUDGE CHAPPELL: So a company -- are you
12 telling me a company can buy the camera from -- a
13 customer can buy a camera from Company A and the
14 digital management system from Company B and they work?

15 MS. MCEVOY: Yes, Your Honor. In fact, I can
16 give you an example. The City of Las Vegas has such a
17 setup. It has Axon's body-worn cameras and a Motorola
18 digital evidence management system, and so they are
19 interoperable.

20 JUDGE CHAPPELL: That evidence management
21 system, does it include a server? Is there a server
22 there or is it just a database?

23 MS. MCEVOY: I am going to defer to
24 Ms. Petersen.

25 JUDGE CHAPPELL: I am just trying to understand

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 what we're talking about.

2 MS. PETERSEN: There are two different
3 products. There is a -- our digital evidence
4 management system, as is the system of about seven
5 other competitors, is cloud-based, because of the --
6 right, so it's cloud-based, but there are also what are
7 called on-premises solutions for agencies that want to
8 have their stuff on a local server, and most of the
9 competitors out there also offer a solution that would
10 allow them to do that if they chose to do that. The
11 movement is certainly more to the cloud, but there are
12 many competitors -- many agencies who have on-premises
13 solutions.

14 JUDGE CHAPPELL: So probably for backup, at
15 least.

16 MS. PETERSEN: Yeah, just concerns about, you
17 know, letting their evidence -- there are people who
18 don't trust the cloud, you know, there's a whole
19 variety of reasons. It depends sometimes on the
20 technical sophistication of the agency as well in terms
21 of their in-house technical staff available to work
22 with the system.

23 JUDGE CHAPPELL: So is it a -- is it a turnkey
24 sale? When your client sells everything they want to
25 to a customer, a police department, does that include

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 cloud storage?

2 MS. PETERSEN: Yes. Usually part of the
3 contracts include the various options, whether you want
4 unlimited storage or a certain, you know, size of
5 storage, depending on the number of officers, depending
6 on how they plan to use it.

7 JUDGE CHAPPELL: Okay, thank you.

8 Make no mistake, before the trial's over, the
9 Judge will have a thorough understanding of what's
10 being sold and what's being bought.

11 MS. MCEVOY: Understood, Your Honor.

12 JUDGE CHAPPELL: Go ahead.

13 MS. MCEVOY: So I think the evidence will show,
14 to your point, that the Commission's market is far too
15 narrow to account for these realities. There is not a
16 plug-and-play, one-size-fits-all, and that customer
17 choice and customer proposals really drive sales in
18 this particular arena.

19 But even if the Government were right about the
20 relevant customer and product markets within which to
21 assess competitive effects, the Commission has
22 hopelessly overstated VieVu's competitive significance
23 in 2018 and, frankly, stubbornly ignored the reality
24 that VieVu couldn't have survived on its own with this
25 dynamic and rapidly evolving marketplace.

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 So let me start by talking about VieVu's
2 competitive significance in 2018. We don't dispute the
3 fact that VieVu was among the first companies to market
4 and sell body-worn cameras, but as the industry
5 matured, demand grew, and new providers entered the
6 field, VieVu couldn't keep up. By the end of 2016, the
7 company was losing money, its body-worn cameras and
8 digital evidence management systems suffered from a
9 variety of defects that compromised evidence -- and,
10 again, I'm not --

11 JUDGE CHAPPELL: Are you telling me there's no
12 intellectual property rights that are restricting
13 competition? For example, VieVu doesn't own a bunch of
14 patents and -- so someone can't just reverse-engineer
15 the product and compete?

16 MS. MCEVOY: Most of these solutions, Your
17 Honor, at least when we're talking about body-worn
18 cameras, are components that are assembled from other
19 places. So the individual components might be covered
20 by somebody else's intellectual property, but to my
21 knowledge, certainly Axon has never asserted any
22 patents with respect to either of its products.

23 JUDGE CHAPPELL: So it's not like an iPhone and
24 a Samsung phone.

25 MS. MCEVOY: No. We're not talking about the

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 kind of situation where they're fighting about whether
2 it's appropriate to patent the soft corner of a device.

3 So as I said, Your Honor, by 2016, VieVu was no
4 longer investing in research and development, and
5 that's what we find particularly interesting about the
6 Government's demands about what Axon would have to
7 divest. VieVu was not moving forward. It was stuck as
8 a function of its own financial condition.

9 And so as it teetered on the edge both of
10 financial implosion and, you know, falling far behind
11 the rest of the industry technologically, VieVu took a
12 chance. It doubled down, and it made an unsustainable
13 bid to serve the New York Police Department. The
14 resulting contract created a huge cash flow problem for
15 VieVu and forced the company to reduce its engineering
16 and research and development budgets even further.

17 There is a lot more to that story, Your Honor,
18 including financial arrangements that made VieVu's sale
19 imperative, but in light of the Court's direction not
20 to disclose any confidential information, that part of
21 the story will have to wait for another day.

22 JUDGE CHAPPELL: So you plan to present
23 evidence to prove that VieVu was a failing or flailing
24 firm?

25 MS. MCEVOY: Absolutely, Your Honor.

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 JUDGE CHAPPELL: You understand the odds of
2 that succeeding, don't you?

3 MS. MCEVOY: I certainly do. Every case stands
4 on its own facts, and the facts here, I think, lead to
5 a compelling conclusion that, in fact, VieVu was not a
6 competitive constraint in 2018, and it wouldn't have
7 even survived to be a competitor today.

8 JUDGE CHAPPELL: It's true, they all stand on
9 their own facts, yet history will show a tough hurdle
10 on failing firm.

11 MS. MCEVOY: Understood. Understood, Your
12 Honor.

13 So VieVu approached Axon in 2018 and only after
14 VieVu had unsuccessfully courted numerous other
15 suitors. By that point in time, VieVu was hemorrhaging
16 cash and incurring substantial debt. When Axon
17 acquired the company, VieVu had just three days' --
18 three days' worth of operating cash, \$27 million in
19 debt, and almost a million dollars a month in operating
20 losses.

21 JUDGE CHAPPELL: I don't know if you can answer
22 this or not, but are you telling me VieVu put
23 themselves up for sale?

24 MS. MCEVOY: It was certainly -- the business
25 was certainly shopped to a number of suitors, Your

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Axon Enterprises & Safariland

1/30/2020

1 Honor. VieVu couldn't keep pace with competition or
2 innovation, it couldn't meet its obligations for the
3 NYPD, it didn't have the resources to compete for new
4 opportunities, and the National Association of State
5 Procurement Officers dropped it from its list of
6 approved body-worn camera contractors.

7 In short, VieVu was no longer an effective
8 competitor, a conclusion reinforced just months after
9 Axon acquired the company when one of its cameras
10 caught fire while an NYPD officer was wearing it. This
11 high-profile product failure -- and, again, this was
12 still under the VieVu brand -- caused substantial
13 damage to VieVu's reputation and cost Axon millions of
14 dollars to fix.

15 That's money that VieVu did not have and could
16 not have invested itself to right the ship and repair
17 its reputation, and still the Commission contends that
18 VieVu was an effective competitor then and would be an
19 effective competitor now. That conclusion is not
20 persuasive, nor plausible.

21 Standing alone, the acquisition didn't harm
22 competition in 2018, and it has not affected the
23 competitive landscape today. The body-worn camera and
24 digital evidence management industry are highly
25 competitive. Barriers to entry are low, and

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1/30/2020

1 competition is thriving. At least six or seven
2 manufacturers regularly bid and win against Axon for
3 BWC and DEMS customers of all sizes, and many more
4 compete for open requests for proposals.

5 You saw some of the names, Judge, on the chart
6 that the Commission put before you, and I would note
7 that this presentation appears to come from March of
8 2019. This industry is so dynamic and there are so
9 many agencies that have not yet adopted the technology
10 that this information I believe is now out of date.

11 In fact, in just the -- not quite a year since
12 this document appears to have been created, Motorola
13 has acquired WatchGuard in a \$280 million transaction,
14 and since then, the combined entity has obtained
15 contracts from at least two other substantially sized
16 police agencies.

17 Barriers to entry are low. Portable camera
18 technologies are widely accessible and increasingly
19 affordable, and companies can enter the marketplace by
20 designing software using third-party hardware, through
21 Samsung or your iPhone, for example.

22 I thought about that point yesterday. I was in
23 LaGuardia. I haven't actually seen somebody use one of
24 these machines, but I've seen these big vending
25 machines now at the airports, right, with all kinds of

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1 electronic equipment. So I wandered over, and I
2 counted at least three different kinds of personal
3 recording devices, phones, GoPro type cameras, and that
4 was in one vending machine alone.

5 The Kit Carson County Sheriff's Office in
6 Colorado has begun using the Samsung Galaxy
7 smartphones. It's partnered with a new entrant called
8 Visual Labs to provide a body camera solution.
9 Utility, another company on the chart, grew its
10 business by repackaging a smartphone as a body camera
11 and developing its own evidence management system.
12 These innovations provide lower cost options to police
13 departments, exert downward pressure on prices, and
14 encourage additional innovation in this environment.

15 Finally, as I mentioned a moment ago, open
16 opportunities in white space are ample. Many police
17 departments have yet to adopt a program, and
18 competition for their attention is intense. Providers
19 have not yet meaningfully penetrated a number of other
20 large sectors, such as private security, emergency
21 services, and the military, that will make significant
22 use of these products in the future. This white space
23 invites a wealth of new entry and expansion.

24 Finally, Your Honor, I heard a car commercial
25 the other night, and it ended with the tag line, "If

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1/30/2020

1 you're always looking in the rear-view mirror, you
2 can't see what's ahead of you." That struck me as an
3 interesting observation as applied to this case, and
4 it's one that mirrors the Court's obligation to assess
5 the transaction's impact on competition, both when the
6 transaction was consummated and moving forward.

7 A holistic, forward-facing analysis of the BWC
8 and DEMS industries shows that the acquisition of
9 VieVu, a failing firm, did not and will not adversely
10 affect competition in this highly competitive
11 marketplace.

12 Thank you, Your Honor.

13 MR. OSTOYICH: Two minutes, Your Honor.

14 JUDGE CHAPPELL: Go ahead.

15 MR. OSTOYICH: So my client, Safariland, got
16 caught up in this, but to be clear, we're the tail on
17 this dog, and let me tell you what I mean by that.

18 There are two counts. One is for the merger,
19 the acquisition by Axon of the business we used to
20 own -- used to own -- and the complaint, on its face,
21 paragraph 2, says we sold that business and it closed
22 in May of 2018, 18-plus months ago. Their own
23 presentation on the second page called it a consummated
24 merger. It's done.

25 I haven't found a case in the history of

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Axon Enterprises & Safariland

1/30/2020

1 Clayton Act Section 7 or the history of FTC Act Section
2 5 that granted an injunction to enjoin something that
3 doesn't exist anymore. We have nothing that could be
4 remedied here, and in prayerful relief, the requested
5 prayerful relief in the complaint, all of the requested
6 injunctions are things against Axon but have nothing to
7 do with my client. So on Count One, there is nothing
8 we can do that would be enjoined.

9 JUDGE CHAPPELL: These contracts and agreements
10 that are referred to in the complaint, they're not with
11 your client, Safariland?

12 MR. OSTOYICH: They are, but the business has
13 been sold and it's been -- it's closed. It's been
14 closed for a year and a half now.

15 JUDGE CHAPPELL: So your position is your
16 client is, as a matter of fact and law, not a party to
17 the agreements at issue?

18 MR. OSTOYICH: We're a party to the agreements,
19 but we couldn't be enjoined, because the injunction
20 would be to divest something, whatever they're trying
21 to work out, and we have nothing to divest. We don't
22 own anything anymore.

23 On the second count, which is a count that
24 challenges ancillary agreements, ancillary provisions
25 in that merger agreement, noncompetes and

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 nonsolicitations, the parties modified the contract,
2 the merger agreement, to void those provisions
3 entirely. They are not in effect. So, again, I don't
4 know how we can be enjoined.

5 During the period when they were in effect,
6 from May of 2018 when the contract was struck until
7 they were voided about a month ago, there is no
8 allegation in the complaint that, but for those
9 provisions, Safariland would have competed against Axon
10 in some product that was subject to those provisions or
11 would have hired or solicited some employee. There's
12 nothing in the complaint. It's dead silent on that.

13 So an ancillary restraint in a merger agreement
14 historically has been judged under the rule of reason,
15 which requires some effect on competition, but there's
16 nothing in the complaint. It's silent on any effect on
17 competition.

18 And as far as I know, for the last 18 months
19 plus during the investigation, we haven't seen a single
20 fact that suggests that my client would otherwise have
21 competed in some product against Axon and it chose not
22 to because of those provisions or would have hired
23 somebody from Axon and it chose not to because of those
24 provisions. So there is no allegation, and we can't
25 find any facts either.

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1/30/2020

1 All right. With that, I'm done.

2 JUDGE CHAPPELL: All right.

3 MS. MCEVOY: Your Honor, if I may just for a
4 moment, I was remiss in failing to let you know that,
5 as Mr. Ostoyich pointed out, the parties did agree to
6 amend the underlying deal documents to remove the
7 provisions that are cited in the FTC's slide deck. We
8 communicated that information to staff, and in fairness
9 to them, they have been attempting to get back to us
10 about how they would like to proceed.

11 We don't think that those agreements are still
12 on the table. We have been occupied with things like
13 negotiating the scheduling order, so I believe that's
14 still an open item to be resolved between the parties,
15 but as far as we're concerned, those agreements are no
16 longer part of the discussion here.

17 JUDGE CHAPPELL: Any comment on that?

18 MS. MILICI: Yes. Thank you, Your Honor.

19 We did receive the amendments to the agreements
20 about two weeks after the complaint was filed, and so
21 we are still kind of processing and thinking that
22 through, but I would note that these voluntary
23 rescissions of these provisions could be voluntarily
24 undone. So if it made commercial sense for them to
25 enter into these provisions in the first place, then I

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 think that there's a serious risk that, after this case
2 is over, they would have those same commercial
3 incentives. So in our view, the voluntary agreements
4 do not necessarily resolve the issue.

5 At the same time, we are, of course, interested
6 in narrowing the issues for trial, and if there is some
7 way to narrow this issue, we are very happy to do it.

8 JUDGE CHAPPELL: Okay.

9 I will be issuing the actual scheduling order
10 shortly. Anything further today?

11 MS. MCEVOY: Yes, Your Honor, largely by way of
12 housekeeping. We have two scheduling conflicts. We
13 fully recognize that you are not in a position to move
14 the start of the hearing date, but what we would
15 propose -- and we had proposed it to Complaint
16 Counsel -- is to start the opening arguments on the
17 19th, as scheduled --

18 JUDGE CHAPPELL: You mean opening statements?

19 MS. MCEVOY: I'm sorry, yes, opening
20 statements, thank you, Your Honor -- I was thinking of
21 the argument for today -- and we would propose to begin
22 the presentation of evidence on June 15. There are two
23 reasons for that.

24 One is that Ms. Petersen -- who, as you can
25 see, is a valuable member of the defense team here --

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 has been planning for two years a trip out of the
2 country with family and friends, and they have all
3 purchased airplane tickets -- I shouldn't say all --
4 but many of them have purchased airplane tickets and
5 made arrangements. She is not back until June 12th.

6 JUDGE CHAPPELL: Let's do it this way. It
7 sounds like you're working something out. Figure out
8 what you want to do and send an email to my office --
9 you don't need a pleading on that -- and I'll let you
10 know.

11 MS. MCEVOY: All right. Thank you, Your Honor.
12 We will let you know about the other -- I will say that
13 Complaint Counsel has not agreed to consent to that
14 particular -- accommodating that particular scheduling
15 conflict, and so if the Court is amenable to some sort
16 of structure like that, we would appreciate some
17 guidance to help us come to resolution on it.

18 The other conflict is that --

19 JUDGE CHAPPELL: Well, if you can't come to
20 some agreement, then you're going to have to file a
21 motion, and I'll deal with it that way.

22 MS. MCEVOY: All right. Thank you, Your Honor.
23 I have got a much smaller couple-of-day conflict in
24 that same window that we'll need to deal with, too, but
25 perhaps we can continue our conversations with

Pretrial Conference

Axon Enterprises & Safariland

1/30/2020

1 Complaint Counsel and try to file some motion practice
2 on this issue.

3 JUDGE CHAPPELL: Okay.

4 MS. MCEVOY: Thank you, Your Honor.

5 JUDGE CHAPPELL: Anything else?

6 MS. MILICI: Nothing further from Complaint
7 Counsel. Thank you, Your Honor.

8 JUDGE CHAPPELL: Okay. Hearing nothing
9 further, until we meet again, we are adjourned.

10 (Whereupon, at 3:01 p.m., the hearing was
11 adjourned.)

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1/30/2020

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CERTIFICATE OF REPORTER

I, Susanne Bergling, do hereby certify that the foregoing proceedings were recorded by me via stenotype and reduced to typewriting under my supervision; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were transcribed; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.



SUSANNE BERGLING, RMR-CRR-CLR

EXHIBIT G

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

In the Matter of

**Axon Enterprise, Inc.
a corporation;**

and

**Safariland, LLC,
a corporation.**

DOCKET NO. 9389

**COMPLAINT COUNSEL'S FIRST SET OF REQUESTS
FOR PRODUCTION ISSUED TO
RESPONDENT AXON**

Pursuant to the Federal Trade Commission's Rule of Practice, 16 C.F.R. § 3.34, and the Definitions and Instructions set forth below, Complaint Counsel hereby requests that the Company produce within 30 days all documents, electronically stored information, and other things in its possession, custody, or control responsive to the following requests:

1. All Documents Relating to the Acquisition or to any acquisition, proposed acquisition, or combination between any Person and VieVu or any VieVu assets, including, but not limited to, studies, analyses, surveys, reports, forecasts, projections, memorandums, presentations, and any communications between the Company and any other Person.
2. From January 1, 2010, all Documents relating to competition in the manufacture or sale of BWCs, DEMS, or BWC Systems, including, but not limited to, research and development, product features, pricing and pricing plans, market studies, forecasts, and surveys, and all other documents relating to:
 - a. the Sales, market share, or competitive position of the Company or any of its competitors, including VieVu, before and after the Acquisition;
 - b. the relative strength or weakness of Persons producing or selling BWCs, DEMS, or BWC Systems, including without limitation Coban; Getac; Intrensic/GoPro; L3/Mobile Vision; Motorola; Panasonic/i-PRO; Safety Vision; Utility; Visual Labs; and WatchGuard;

- c. attempts to win customers from other Persons and losses of customers to other Persons, including, but not limited to, all sales personnel call reports, win/loss reports, and databases;
 - d. allegations by any Person that any Person that manufactures or sells BWCs, DEMS, or BWC Systems is not behaving in a competitive manner, including, but not limited to, customer and competitor complaints; threatened, pending, or completed lawsuits; and federal and state investigations;
 - e. supply and demand conditions, including any actual or potential effect on the supply, demand, cost, or price of BWCs, DEMS, or BWC Systems as a result of competition from any other possible substitute product or service;
 - f. any Person's price lists, pricing Plans, pricing policies, pricing forecasts, pricing strategies, price structures, pricing analyses, price zones, and pricing decisions relating to BWCs, DEMS, or BWC Systems; and,
 - g. all studies, analyses, or assessments of the pricing or profitability of any Relevant Product or Relevant Service sold or provided by the Company, by third-party distributors/lessee dealers/etc., or through other channels of trade in any Relevant Area.
3. From January 1, 2010, all data maintained by the Company Relating to each time the Company did submit, or considered submitting, a bid or negotiated to provide or sell BWCs, DEMS, or BWC Systems to a Police Department, including data showing:
 - a. the name of each potential customer;
 - b. any price or price estimates for each bid;
 - c. products and services contained in each bid;
 - d. the actual or estimated margin of each bid;
 - e. the actual or estimated margin of each product and service contained within each bid;
 - f. other bidders; and
 - g. the outcome of each bid.
4. All data maintained by the Company Relating to the Company's provision, including sales and trial programs, of BWCs, DEMS, or BWC Systems to Police Departments, including data showing, for each calendar quarter and year, the Company's unit sales, revenue, costs, margin, and profitability for BWCs, DEMS, and BWC Systems, including:
 - a. the name and account identification information of each customer;

- b. the products purchased by each customer;
 - c. the price paid by each customer for each product;
 - d. the estimated or actual margin of each contract;
 - e. the estimated or actual cost incurred by the Company under each contract;
 - f. the date each contract was executed;
 - g. the date each contract commenced;
 - h. the date of each contract's expiration;
 - i. the date of the first purchase under each contract; and
 - j. any extension or early termination contract options.
5. Submit all Documents that are prepared on a regular or ad-hoc basis by or for the Company that report profit and loss:
 - a. for the Company as a whole, or for each of the Company's affiliates, subsidiaries, divisions, facilities, sales offices and distribution facilities that relate to the research, development, manufacturer, license, or sale of any BWC, DEMS, BWC Systems, or any related products; and
 - b. for each BWC, DEMS, BWC System, product line or customer for any BWC, DEMS, BWC System, including but not limited to budgets, income statements, cash flow statements, balance sheets, other profit and loss statements, cost center reports, and profitability reports.
 6. From January 1, 2010, all contracts and contract modifications Relating to Your provision of BWCs, DEMS, or BWC Systems to any Police Department.
 7. From January 1, 2010, all Documents Relating to each occasion that the Company did submit, or considered submitting, a bid or negotiated to provide or sell BWCs, DEMS, or BWC Systems to a Large Police Department, including, but not limited to, RFPs, scoring sheets, evaluations, best and final offers, internal margin projections related to each bid, and correspondence with any Large Police Department.
 8. For each BWC, DEMS, or BWC System sold by the Company on or after January 1, 2010, submit documents sufficient to show the capabilities and specifications of each product.
 9. All Documents Relating to the ability or inability of any Police Department, or group of Police Departments, to substitute or switch:
 - a. any product for BWCs, DEMS, or BWC Systems; or

- b. one supplier's BWCs, DEMS, or BWC System for a different supplier's BWCs, DEMS, or BWC System.
10. All Documents Relating to interoperation of, or communication between, one supplier's DEMS with a different supplier's DEMS including but not limited to, all Documents Relating to:
 - a. the transition, migration, or change of any Person from any BWC, DEMS, or BWC System to a different BWC, DEMS, or BWC System;
 - b. the operation or possible operation of two DEMS systems simultaneously or in parallel, or a Police Department's operation or possible operation of one DEMS with a RMS provided by a different supplier; and
 - c. costs, risks, benefits, procedures, and requirements for transferring video files or other information between two DEMS or between one DEMS and one RMS.
11. All Documents Relating to any current or former supplier to VieVu, including but not limited to All Documents Relating to contracts and communications with Microtips; Periscope; and iTransition.
12. All Documents Relating to safety or performance concerns such as the actual or potential loss, compromise, corruption, contamination or degradation of any kind of any data Relating to BWCs, DEMS, or BWC Systems, or any safety concerns of any kind Relating to BWCs, DEMs or BWC Systems including but not limited to all Documents Relating to:
 - a. any loss of stored video footage by the Oakland Police Department;
 - b. any loss of any data by any Police Department or BWC System customer of Axon or Safariland;
 - c. communications with actual or potential customers relating to safety concerns;
 - d. internal investigations Relating to any perceived safety events; and
 - e. steps taken to remedy address or mitigate causes of any such events.
13. All Documents cited by, or referenced in the preparation of, responses to any interrogatories or requests for admission in this litigation, or in the preparation of, Company submissions and presentations to the Federal Trade Commission, including submissions and presentations to staff, management, and Commissioners.
14. All Documents Relating to Section 5 of the Merger Agreement and Section 15 of the Holster Agreement including but not limited to all Documents Relating to:
 - a. the negotiation of the scope and duration of the Sections;

- b. the origin, purpose, objective, or intent of the Sections;
 - c. the effect of the Sections on competition, prices, output, or costs of any product or service;
 - d. the effect of the Sections on any Person or group of Persons;
 - e. actual or potential breach of any provision or term of the Sections;
 - f. the actual, contemplated, forecast, or intended costs or benefits of the Sections; and
 - g. any relation, effect, or interaction between the Sections and any aspect of the Acquisition.
15. All Documents Relating to sales and competition for sales of BWCs, DEMS, BWC Systems, sensors, surveillance, or monitoring equipment or systems to the following Police Departments: California Highway Patrol; Connecticut State Police; Fish & Wildlife Commission, FL; Harris County Sheriff's Office, TX; Houston, TX; Nashville Metro, TN; Rochester, NY; St. Louis County, MO; and Toledo, OH.

DEFINITIONS

For the purposes of this Subpoena, the following Definitions apply:

- D 1. "You," "Company," and "Axon" mean Axon Enterprise Inc.; its domestic and foreign parents, predecessors, divisions, subsidiaries, affiliates, partnerships, and joint ventures; and all directors, officers, employees, agents, and representatives of the foregoing. The terms "subsidiary," "affiliate," and "joint venture" refer to any Person in which there is partial (25% or more) or total ownership or control between Axon and any other Person.
- D 2. "Safariland" means Safariland LLC; its domestic and foreign parents, predecessors, divisions, subsidiaries, affiliates, partnerships, and joint ventures; and all directors, officers, employees, agents, and representatives of the foregoing. The terms "subsidiary," "affiliate," and "joint venture" refer to any Person in which there is partial (25% or more) or total ownership or control between Safariland and any other Person.
- D 3. "VieVu" means VieVu LLC; its domestic and foreign parents, predecessors, divisions, subsidiaries, affiliates, partnerships, and joint ventures; and all directors, officers, employees, agents, and representatives of the foregoing. The terms "subsidiary," "affiliate," and "joint venture" refer to any Person in which there is partial (25% or more) or total ownership or control between VieVu and any other Person.
- D 4. "Acquisition" means Axon's May 3, 2018 acquisition of VieVu from Safariland.
- D 5. "BWC System" means integrated BWCs and DEMS and all software related to DEMS

and BWCs, including, but not limited to, add-on software such as facial recognition and auto redaction.

- D 6. “BWC” means Body Worn Cameras and all products ancillary to BWCs, such as auto-activation systems, docking stations, and camera mounts.
- D 7. “DEMS” means Digital Evidence Management Systems for use with BWCs, including Cloud-based DEMS, On-premise DEMS, “Hybrid” DEMS, or any combination of Cloud-based and On-premise DEMS.
- D 8. “Documents” means any information, on paper or in electronic format, including written, recorded, and graphic materials of every kind, in the possession, custody, or control of the Company. The term “documents” includes, without limitation: email messages; audio files; video files; text messages; instant messages (including without limitation Slack and Voxel); every other form of electronic messages; drafts of documents; metadata and other bibliographic or historical data describing or Relating to documents created, revised, or distributed electronically; copies of documents that are not identical duplicates of the originals in that Person’s files; and copies of documents the originals of which are not in the possession, custody, or control of the Company.
- D 9. “Large Police Department” means any United States law enforcement institution with over 500 sworn officers.
- D 10. “Minimum Viable Scale” means the smallest amount of production or smallest service volume at which average costs equal the price currently charged for the Relevant Product or Relevant Service. It should be noted that Minimum Viable Scale differs from the concept of minimum efficient scale, which is the smallest scale at which average costs are minimized.
- D 11. “Or” and “and” and have both conjunctive and disjunctive meanings.
- D 12. “Person” includes the Company and means any natural person, corporate entity, partnership, association, joint venture, government entity, or trust.
- D 13. “Plans” means tentative and preliminary proposals, recommendations, or considerations, whether or not finalized or authorized, as well as those that have been adopted.
- D 14. “Police Department” means any United States law enforcement institution.
- D 15. “Relating to” means in whole or in part constituting, containing, concerning, discussing, describing, analyzing, identifying, or stating.

INSTRUCTIONS

- I. If not otherwise specified, each request calls for documents received or created from January 1, 2015 to the present.

- II. Unless modified by agreement with Complaint Counsel, this subpoena requires a search of all documents in the possession, custody, or control of the Company including, without limitation, those documents held by any of the Company's officers, directors, employees, agents, representatives, or legal counsel, whether or not such documents are on the premises of the Company. If any person is unwilling to have his or her files searched, or is unwilling to produce responsive documents, the Company must provide the Complaint Counsel with the following information as to each such person: his or her name, address, telephone number, and relationship to the Company. In addition to hard copy documents, the search must include all of the Company's Electronically Stored Information. Data produced in response to the Requests, including any data dictionaries and glossaries, shall include the meaning or definition of any term, field, or code used by the Company in such data.
- III. These document requests are continuing in nature and shall be supplemented in the event that additional documents responsive to these requests are created, prepared, or received between the time of the Company's initial response and the date established by the Administrative Law Judge for the evidentiary hearing in the above-captioned proceeding.
- IV. Except for privileged material, the Company will produce each responsive document in its entirety by including all attachments and all pages, regardless of whether they directly relate to the specified subject matter. The Company should submit any appendix, table, or other attachment by either attaching it to the responsive document or clearly marking it to indicate the responsive document to which it corresponds. Except for privileged material, the Company will not redact, mask, cut, expunge, edit, or delete any responsive document or portion thereof in any manner.
- V. All documents responsive to these document requests, regardless of format or form and regardless of whether submitted in hard copy or electronic format:
 - a. Shall be produced in complete form, un-redacted unless privileged, and in the order in which they appear in the Company's files;
 - b. Shall be marked on each page with corporate identification and consecutive document control numbers;
 - c. If written in a language other than English, shall be translated into English, with the English translation attached to the foreign language document;
 - d. Shall be produced in color where necessary to interpret the document (if the coloring of any document communicates any substantive information, or if black- and-white photocopying or conversion to TIFF format of any document (e.g., a chart or graph), makes any substantive information contained in the document unintelligible, the Company must submit the original document, a like-colored photocopy, or a JPEG format image);

- e. Shall be accompanied by an affidavit of an officer of the Company stating that the copies are true, correct, and complete copies of the original documents; and
- f. Shall be accompanied by an index that identifies: (i) the name of each person from whom responsive documents are submitted; and (ii) the corresponding consecutive document control number(s) used to identify that person's documents. The FTC will provide a sample index upon request.

VI. Forms of Production: The Company shall submit all documents as instructed below absent written consent signed by Complaint Counsel.

- a. Documents stored in electronic or hard copy formats in the ordinary course of business shall be submitted in the following electronic format provided that such copies are true, correct, and complete copies of the original documents:
 - i. Submit Microsoft Excel, Access, and PowerPoint files in native format with extracted text and applicable metadata and information as described in subparts (a)(iii) and (a)(iv).
 - ii. Submit emails in image format with extracted text and the following metadata and information:

| Metadata/Document Information | Description |
|--------------------------------------|---|
| Beginning Bates number | The beginning bates number of the document. |
| Ending Bates number | The last bates number of the document. |
| Custodian | The name of the original custodian of the file. |
| To | Recipient(s) of the email. |
| From | The person who authored the email. |
| CC | Person(s) copied on the email. |
| BCC | Person(s) blind copied on the email. |
| Subject | Subject line of the email. |
| Date Sent | Date the email was sent. |
| Time Sent | Time the email was sent. |
| Date Received | Date the email was received. |
| Time Received | Time the email was received. |

| Metadata/Document Information | Description |
|--------------------------------------|---|
| Attachments | The Document ID of attachment(s). |
| Mail Folder Path | Location of email in personal folders, subfolders, deleted items or |
| Message ID | Microsoft Outlook Message ID or similar value in other message systems. |

- iii. Submit email attachments in image format, or native format if the file is one of the types identified in subpart (a)(i), with extracted text and the following metadata and information:

| Metadata/Document Information | Description |
|--------------------------------------|---|
| Beginning Bates number | The beginning bates number of the document. |
| Ending Bates number | The last bates number of the document. |
| Custodian | The name of the original custodian of the file. |
| Parent Email | The Document ID of the parent email. |
| Modified Date | The date the file was last changed and saved. |
| Modified Time | The time the file was last changed and saved. |
| Filename with extension | The name of the file including the extension denoting the application in which the file was created. |
| Production Link | Relative file path to production media of submitted native files. Example: FTC-001\NATIVE\001\FTC-00003090.xls. |
| Hash | The Secure Hash Algorithm (SHA) value for the original native file. |

- iv. Submit all other electronic documents in image format, or native format if the file is one of the types identified in subpart (a)(i), accompanied by extracted text and the following metadata and information:

| Metadata/Document Information | Description |
|--------------------------------------|---|
| Beginning Bates number | The beginning bates number of the document. |
| Ending Bates number | The last bates number of the document. |
| Custodian | The name of the original custodian of the file. |
| Modified Date | The date the file was last changed and saved. |
| Modified Time | The time the file was last changed and saved. |
| Filename with extension | The name of the file including the extension denoting the application in which the file was created. |
| Originating Path | File path of the file as it resided in its original environment. |
| Production Link | Relative file path to production media of submitted native files. Example: FTC-001\NATIVE\001\FTC-00003090.xls. |
| Hash | The Secure Hash Algorithm (SHA) value for the original native file. |

- v. Submit documents stored in hard copy in image format accompanied by OCR with the following information:

| Metadata/Document Information | Description |
|--------------------------------------|---|
| Beginning Bates number | The beginning bates number of the document. |
| Ending Bates number | The last bates number of the document. |
| Custodian | The name of the original custodian of the file. |

- vi. Submit redacted documents in PDF format accompanied by OCR with the metadata and information required by relevant document type described in subparts (a)(i) through (a)(v) above. For example, if the redacted file was

originally an attachment to an email, provide the metadata and information specified in subpart (a)(iii) above.

- b. Submit data compilations in electronic format, specifically Microsoft Excel spreadsheets or delimited text formats, with all underlying data un-redacted and all underlying formulas and algorithms intact.
 - c. Produce electronic file and image submissions as follows:
 - i. For productions over 10 gigabytes, use IDE, EIDE, and SATA hard disk drives, formatted in Microsoft Windows-compatible, uncompressed data in a USB 2.0 external enclosure;
 - ii. For productions under 10 gigabytes, CD-R CD-ROM optical disks formatted to ISO 9660 specifications, DVD-ROM optical disks for Windows-compatible personal computers, and USB 2.0 Flash Drives are acceptable storage formats;
 - iii. All documents produced in electronic format shall be scanned for and free of viruses prior to submission. The Commission will return any infected media for replacement, which may affect the timing of the Company's compliance with these Document Requests;
 - iv. Encryption of productions using NIST FIPS-Compliant cryptographic hardware or software modules, with passwords sent under separate cover, is strongly encouraged;¹ and
 - d. Each production shall be submitted with a transmittal letter that includes the FTC Docket No. 9389; production volume name; encryption method/software used; passwords for any password protected files; list of custodians and document identification number range for each; total number of documents; and a list of load- file fields in the order in which they are organized in the load file.
- VII. If any documents are withheld from production based on a claim of privilege, the Company shall provide, pursuant to 16 C.F.R. § 3.38A, a schedule which describes the nature of documents, communications, or tangible things not produced or disclosed, in a manner that will enable Complaint Counsel to assess the claim of privilege.

¹ The National Institute of Standards and Technology (NIST) issued Federal Information Processing Standard (FIPS) Publications 140-1 and 140-2, which detail certified cryptographic modules for use by the U.S. Federal government and other regulated industries that collect, store, transfer, share, and disseminate sensitive but unclassified information. More information about FIPS 140-1 and 140-2 can be found at <http://csrc.nist.gov/publications/PubsFIPS.html>.

- VIII. If documents responsive to a particular specification no longer exist for reasons other than the ordinary course of business or the implementation of the Company's document retention policy, but the Company has reason to believe such documents have been in existence, state the circumstances under which they were lost or destroyed, describe the documents to the fullest extent possible, state the request(s) to which they are responsive, and identify persons having knowledge of the content of such documents.
- IX. The Company must provide Complaint Counsel with a statement identifying the procedures used to collect and search for electronically stored documents and documents stored in paper format. The Company must also provide a statement identifying any electronic production tools or software packages utilized by the company in responding to this subpoena for: keyword searching, Technology Assisted Review, email threading, de-duplication, global de-duplication or near-de-duplication, and
- a. if the company utilized keyword search terms to identify documents and information responsive to this subpoena, provide a list of the search terms used for each custodian;
 - b. if the company utilized Technology Assisted Review software;
 - i. describe the collection methodology, including: how the software was utilized to identify responsive documents; the process the company utilized to identify and validate the seed set documents subject to manual review; the total number of documents reviewed manually; the total number of documents determined nonresponsive without manual review; the process the company used to determine and validate the accuracy of the automatic determinations of responsiveness and nonresponsiveness; how the company handled exceptions ("uncategorized documents"); and if the company's documents include foreign language documents, whether reviewed manually or by some technology-assisted method; and
 - ii. provide all statistical analyses utilized or generated by the company or its agents related to the precision, recall, accuracy, validation, or quality of its document production in response to this subpoena; and identify the person(s) able to testify on behalf of the company about information known or reasonably available to the organization, relating to its response to this specification.
 - c. if the Company intends to utilize any de-duplication or email threading software or services when collecting or reviewing information that is stored in the Company's computer systems or electronic storage media in response to this subpoena, or if the Company's computer systems contain or utilize such software, the Company must contact a Commission representative to determine, with the assistance of the appropriate government technical

officials, whether and in what manner the Company may use such software or services when producing materials in response to this subpoena

- X. Please call Jennifer Milici at (202) 326-2912 with any questions relating to the scope or meaning of this subpoena. The Company's response to this subpoena shall be delivered to the attention of Jennifer Milici, between 8:30 a.m. and 5:00 p.m. on any business day to the Federal Trade Commission, 400 7th Street SW, Washington DC 20024. For courier or other delivery, please contact Jennifer Milici in advance at (202) 326-2912 or JMilici@ftc.gov

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2020, I caused the foregoing document to be served via email on:

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s/ Jennifer Milici _____
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jmilici@ftc.gov

Complaint Counsel

EXHIBIT H

on a defense.³ Because the requirements of Rule 3.36 are met and the Motion is unopposed, it should be granted.

ARGUMENT

The law enforcement agencies identified on Exhibit 2 to the Proposed Order (the “Agencies” or “Departments”⁴) in large part are [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].⁶ The subpoena seeks specific records

³ This is especially true because the Commission easily could have avoided—and still can avoid—any such concerns by proceeding in federal court, where subpoenas are issued under the court’s authority and not the Commission’s. Any restriction on Axon’s right to subpoena constituents of Complaint Counsel’s proposed customer market would be another constitutional defect in these proceedings.

⁴ One of the proposed recipients (Miami-Dade) is a county and one (Phoenix) is a city [REDACTED]. For convenience, they are referred to herein—along with all other proposed recipients—as “Agencies” or “Departments.”

⁵ Pursuant to the Protective Order dated January 6, 2020 (attached as Ex. E), Complaint Counsel has labeled “Confidential.” [REDACTED]. Respondent reserves its right to challenge the propriety of those designations.

⁶ There is no limit in Rule 3.34 on the number of subpoenas. A subpoena that meets the requirements of Rule 3.34 for a recipient must be authorized regardless of whether, as is true here, those requirements also are met for other recipients. Subpoenas commonly are issued to many customers in an alleged market, and Respondents’ ability to defend itself cannot be restricted based on the fact that the customers in this case are public agencies.

[REDACTED]

[REDACTED] This truncated list of subpoena recipients represents the bare minimum needed for Respondent to have a fair opportunity to defend itself.

[REDACTED] The Complaint defines the alleged market in part around certain customers: “large, metropolitan police departments.” Compl. ¶ 21. When pressed at the January 30th scheduling conference about the vagueness of this definition, Complaint Counsel referenced the membership of the U.S. Major Cities Chiefs Association (“MCCA”) as a proxy for “large” departments. Transcript of January 30, 2020 Scheduling Conference (“Conference”) at 20:5-22:3 (attached as Ex. F). However, in its First Set of Requests for Production Issued to Respondent Axon (attached as Ex. G), Complaint Counsel defined “Large Police Department” as “any United States law enforcement institution with over 500 sworn officers,” (Ex. G at 6), even though this category includes non-MCCA members. Accordingly, Axon needs information from many departments—including some that appear to be inside and some that appear to be outside Complaint Counsel’s vague and shifting definition—both to challenge the Commission’s market definition and to show the absence of competitive effects on sales to these customers. At the very least, Axon needs to serve

related to the Agencies' consideration, evaluation, and/or purchases of body-worn cameras ("BWCs") and digital evidence management systems ("DEMS"), including requests for proposals ("RFPs") issued for BWCs and DEMS, final responses submitted by bidders in response to RFPs, assessments by the Agencies of bidders' BWCs and DEMS, executed copies of contracts relating to BWCs and DEMS, evaluations of BWCs and DEMS products, and documents sufficient to show costs of switching BWCs and DEMS providers. The subpoena also seeks documents relating to concerns with Viewu's BWCs or DEMS products, and documents related to the Departments' reactions to Axon's acquisition of Viewu.⁷

All of these requests meet the requirements of Rule 3.36(b). Rule 3.36(b) requires the party seeking the 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 requested material is reasonable in scope;
2. if for purposes of discovery, the material falls within the limits of discovery under § 3.31(c)(1), or, 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 3.37.

16 C.F.R. § 3.36. All four requirements are met here.

subpoenas on the [REDACTED]

⁷ In order to minimize any burden on the Departments, the present Motion seeks authorization only for document subpoenas. Rather than seeking depositions from all of the Departments at this time, Axon will first evaluate the documents and other information to identify the specific Departments from which it will need testimony. After doing so, Axon will file motions for subpoenas *ad testificandum* accordingly. This approach is the most efficient and reasonable method for obtaining the needed discovery, as it avoids issuance of blanket subpoenas *ad testificandum* to all Departments.

exclusion of Axon bids and contracts.⁹ And even where, for example, individual competitors might possess their own RFP responses, it would be unreasonably burdensome and ineffective to try to piece together partial information from multiple sellers (even assuming that Respondents could discern who might have submitted bids in response to any or all RFPs at issue), instead of obtaining from each Department the documents for its own RFPs.¹⁰ And only the Departments can provide documents relating to their own bid evaluations, any concerns with Viewu products, and their own knowledge and understanding of Axon's acquisition of Viewu. The material requested cannot be reasonably obtained by other means.

Fourth, the material requested meets the requirements of Rule of Practice 3.37(a), which requires that requests "specify with reasonable particularity the documents or things to be produced." 16 C.F.R. § 3.37(a). As explained above, for example, the requests focus specifically on RFPs, assessments of bids, contracts, and product evaluations in the possession or control of the Departments. These focused and narrow requests are specified with reasonable particularity.

CONCLUSION

The requested subpoenas are directed to customers [REDACTED]

[REDACTED]. All four requirements of Practice Rule 3.36(b) are met, and the Motion is unopposed. Axon respectfully requests that its Motion be granted.

⁹ Because Viewu's records are deficient, Axon needs to obtain Viewu bids and contracts from the Departments.

¹⁰ Complaint Counsel acknowledges that the full list of competitors is unknown. In its First Set of Requests for Production Issued to Respondent Axon, Complaint Counsel refers to "Persons producing or selling BWCs, DEMS, or BWC Systems, *including without limitation* Coban; Getac; Intrensic/GoPro; L3/Mobile Vision; Motorola; Panasonic/i-PRO; Safety Vision; Utility; Visual Labs; and WatchGuard." Ex. G at 1 (emphasis added). Nevertheless, Respondents will work cooperatively with any subpoena recipient that believes certain documents can reasonably be obtained elsewhere, or that has any other concern about the subpoenas served on them.

CERTIFICATE OF SERVICE

I hereby certify that on February 13, 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

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:

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*Counsel for Respondent
Safariland LLC*

Counsel for the Federal Trade Commission

Dated: February 13, 2020

s/ Louis K. Fisher

Louis K. Fisher

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 documents that is available for review by the parties and the adjudicator.

Dated: February 13, 2020

s/ Louis K. Fisher

Louis K. Fisher

Notice of Electronic Service

I hereby certify that on February 18, 2020, I filed an electronic copy of the foregoing Respondent's Amended Unopposed Motion for Issuance of Subpoenas Duces Tecum (Public Version) , with:

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Donald Clark
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I hereby certify that on February 18, 2020, I served via E-Service an electronic copy of the foregoing Respondent's Amended Unopposed Motion for Issuance of Subpoenas Duces Tecum (Public Version) , upon:

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