

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

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: _____

CONSENT MOTION FOR ENTRY OF
PROPOSED STIPULATED ORDER

MICROSOFT CORP., a corporation of the State of Washington, et al. vs. United States of America
Noted for Consideration
June 5, 2023

Plaintiff, the United States of America, and Defendant Microsoft Corp. (collectively, the “Parties”) have resolved all issues in this matter by the Proposed Stipulated Order for Permanent Injunction, Civil Penalty Judgment, and Other Relief, attached as Exhibit A. A statement setting forth the reasons for settlement is attached as Exhibit B.

The United States has conferred with counsel for Microsoft, which consents to the relief sought in the Proposed Order. The United States respectfully requests that the Court issue the Proposed Order negotiated by the Parties for the reasons set forth below.

The Court should approve and enter a consent decree if it is fair, reasonable, and equitable, and does not violate the law or public policy. *Sierra Club v. Electronic Controls Design*, 909 F.2d 1350, 1355 (9th Cir. 1990). Where the United States is a party to the proposed order, a court “should pay deference to the judgment of the government agency which has

1 negotiated and submitted the proposed judgment.” SEC v. Randolph, 736 F.2d 525, 529 (9th Cir.
2 1984). The Parties submit that the Proposed Order is fair, reasonable, and equitable, and does
3 not violate the law or public policy, including because it will allow the Parties to avoid the
4 significant time and expense associated with litigating their positions further.

5 Dated: June 5, 2023

6 Respectfully submitted,

7 FOR PLAINTIFF UNITED STATES OF AMERICA :

8 BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General, Civil Division

9 ARUN G. RAO
10 Deputy Assistant Attorney General, Civil Division

11 AMANDA N. LISKAMM
12 Director, Consumer Protection Branch

13 LISA K. HSIAO
Assistant Director, Consumer Protection Branch

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

NICHOLAS W. BROWN
United States Attorney

s/ Rebecca S. Cohen

REBECCA S. COHEN, WJEN6CjE70Ad(f)ajE BIOC/760077-01065WD2 BDC