

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



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

Docket No. 9389

**ORDER GRANTING JOINT MOTION FOR ISSUANCE OF
SUBPOENAS *AD TESTIFICANDUM* UNDER RULE 3.36**

On July 22, 2020, Federal Trade Commission (“FTC”) Complaint Counsel and Axon Enterprise, Inc. (“Respondent”) filed a Joint Motion for Issuance of Subpoenas *Ad Testificandum*, pursuant to FTC Rule 3.36 (“Joint Motion”). The parties seek an order allowing subpoenas *ad testificandum* to issue for Sergeant Robert Lisotta of the Jacksonville Sheriff’s Office (“JSO”) and Assistant Chief Matthew Pontillo of the New York Police Department (“NYPD”).

The parties assert that both Sergeant Lisotta and Assistant Chief Pontillo have experience with body worn cameras and integrated digital management systems (“BWC/DEMS”). The parties further assert that the testimony sought will relate to Axon Enterprise’s acquisition of VieVu from Safariland (“the Acquisition”), the impact of the Acquisition on the police departments’ needs, experiences, uses, options, supply, or procurement of BWC/DEMS, Requests for Proposals (“RFPs”) issued, bids received in response to RFPs, agreements related to BWC/DEMS, and competition in the BWC/DEMS market. In addition, the parties state that they have named representatives of these police departments as potential witnesses expected to testify about the above issues and Respondent’s defenses and assert that the testimony sought from the JSO and the NYPD cannot be reasonably obtained by other means.

Rule 3.36 requires a party seeking the issuance of a subpoena requiring the appearance of an official or employee of another governmental agency to obtain authorization from the Administrative Law Judge, pursuant to a motion demonstrating that: the material sought is within

the permissible scope of discovery under Rule 3.31(c)(1); the subpoena is reasonable in scope; and the material sought cannot reasonably be obtained by other means. 16 C.F.R. § 3.36(a), (b)(1-3).

Based on the representations in the Joint Motion, the requirements of Rule 3.36 have been met. Accordingly, the Joint Motion is GRANTED, and it is hereby ORDERED that the parties may issue the subpoenas attached to the Joint Motion as Attachments A and B.

ORDERED:

Dm Chappell

D. Michael Chappell
Chief Administrative Law Judge

Date: July 23, 2020