

PUBLIC

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

In the matter of

H&R BLOCK INC.,
a corporation,

HRB DIGITAL LLC,
a limited liability company, and

HRB TAX GROUP, INC.,
a corporation.

DOCKET NO. 9427

**COMPLAINT COUNSEL'S MOTION *IN LIMINE* REGARDING TABLES (AND
ASSOCIATED PARAGRAPHS) IN SECTION VIII OF RON SCHNELL'S AMENDED
EXPERT REPORT**

Section VIII of the Amended Expert Report of Ron Schnell (RX0277, excerpts attached as Exhibit 1) contains 28 tables of purported factual data pulled from Respondents' own databases and provided to Schnell by his colleague or, in one case, Respondents' counsel. Complaint Counsel move for an order striking those tables (and the associated paragraphs, 79-118 and 124-26) and precluding Respondents from offering testimony about the data therein because (a) Respondents failed to disclose their possession of this data during fact discovery,¹ and (b) Schnell is not a proper fact witness.

¹ Complaint Counsel's Interrogatory No. 1 sought certain information about all consumers who filed using Respondents' DIY Online Products, but Respondents demanded that the interrogatory be limited to downgraders, and then only partially answered, subject to numerous objections, including relevance. *See* Exhs. 9 & 10; *see also* Exh. 11 (Request No. 9 seeking documents regarding abandonment by users who began in Free Online).

PUBLIC

Standard. “Motions *in limine* are generally used to ensure evenhanded and expeditious management of trials by eliminating evidence that is clearly inadmissible.” *In re Daniel Chapter One*, 2009 FTC LEXIS 86, at *3 (Apr. 20, 2009) (citation omitted). Commission Rule 3.31(b) mandates initial party disclosures containing “[a] copy of, or a description by category and location, of all ... electronically stored information” in their “possession, custody, or control ... that [is] relevant to the allegations of the Commission’s complaint, to the proposed relief, or to the defenses of the respondent[.]” 16 C.F.R. § 3.31(b). Rule 3.31(b) also requires a party to “make its disclosures based on the information then reasonably available to it,” *id.*, and Rule 3.31(e) requires parties to supplement disclosures, *id.* at § 3.31(e).

“Unless an expert witness is qualified as a fact witness, an expert witness is only allowed to provide opinion testimony; expert testimony is not considered for the purpose of establishing the underlying facts of the case.” Scheduling Order at ¶ 24. “Witnesses shall not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter.” *Id.* at ¶ 19.

Basis for Relief. Schnell and David Ghetler work for Berkeley Research Group and have performed services for Respondents. *See* Exh. 2 (Tr. excerpts from Sept. 20th Depo. of Ron Schnell) at 12:6-9; *id.* at 46:25-47:4. Respondents designated Schnell as a testifying expert but did not disclose him as a fact witness in their initial disclosures and preliminary witness lists, served between March 19 and July 30, 2024. *See* Exhs. 3-8. Ghetler was not mentioned anywhere. *See id.*

Fact discovery closed on August 2. Respondents served Schnell’s original expert report four weeks later (August 30) and his Amended Expert Report (mistakenly dated August 30) on September 6. *See* Exh. 2 at 73:10-23.

PUBLIC

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Twenty-seven of Schnell's tables were created by Ghetler, Exh. 2 at 51:12-53:21; *id.* at 133:15-134:18, who has had access to this data for years, *id.* at 59:3-60:2. The remaining table, Table 27, was provided to Schnell by counsel. *Id.* at 110:4-16.

Section II.A of Respondents' Initial Disclosures, which purports to describe "H&R Block Documents/ESI" potentially "relevant to the allegations of the FTC's Complaint, the proposed relief, or Respondents' defenses," does not identify the database or database tables that Schnell describes in his report. *See* Exh. 3 at 7-8; Exh. 4 at 9-10; Exh. 5 at 9-10.

Schnell's expert report and testimony are improper vehicles for introducing purported factual data stored in Respondents' own databases that was not produced during fact discovery. This data was available to Respondents (and Ghetler) before fact discovery even began. Further, Schnell is not the proper sponsor for Respondents' data, which was collected by others. If Respondents wished to rely on the Section VIII data, they should have timely disclosed its existence, rather than sneaking it in through Schnell after the close of fact discovery.

Conclusion: Complaint Counsel respectfully request that the Court enter the attached Order.

PUBLIC

Dated: October 3, 2024

Respectfully submitted,

By: s/ Joshua A. Doan
Claire Wack, MD Bar No. 1312190275
Simon Barth, MA Bar No. 706122
Christopher E. Brown, VA Bar No. 72765
Joshua A. Doan, DC Bar No. 490879
Federal Trade Commission
600 Pennsylvania Ave., NW, CC-6316
Washington, DC 20580
(202) 326-2836 / cwack@ftc.gov
(202) 326-3317 / sbarth@ftc.gov
(202) 326-2825 / cbrown3@ftc.gov
(202) 326-3187/ jdoan@ftc.gov

Counsel Supporting the Complaint
Federal Trade Commission

CONFERENCE STATEMENT

Counsel for the moving party has conferred with opposing counsel in an effort in good faith to resolve by agreement the issues raised by the motion and has been unable to reach such an agreement.

/s/ Joshua A. Doan

Joshua A. Doan

PUBLIC

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

In the matter of

H&R BLOCK INC.,
a corporation,

HRB DIGITAL LLC,
a limited liability company, and

HRB TAX GROUP, INC.,
a corporation.

DOCKET NO. 9427

[PROPOSED]
**ORDER STRIKING TABLES FROM AMENDED EXPERT REPORT OF RON
SCHNELL AND PRECLUDING TESTIMONY ABOUT THEM**

On October 3, 2024, Complaint Counsel filed a Motion *in Limine* asking the Court to strike the 28 tables (and associated paragraphs) contained in Section VIII of the Amended Expert Report of Ron Schnell (RX0277) and to preclude Mr. Schnell or other witnesses called by Respondents from testifying about those tables (and associated paragraphs) and the data summarized in them. On October 10, 2024, Respondents filed a Response to Complaint Counsel's Motion. Upon consideration of this Motion and the Response thereto, the Motion is hereby **GRANTED**.

It is hereby ordered that the 28 tables in the Amended Expert Report of Ron Schnell, along with paragraphs 79-118 and 124-26 of that report, are struck from the record, and Mr. Schnell and other witnesses called by Respondents may not testify about those tables, the associated paragraphs, or the data contained in them.

PUBLIC

SO ORDERED.

Dated:

Hon. Jay L. Himes
Administrative Law Judge

PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2024, I filed the foregoing Complaint Counsel's Motion *in Limine* Regarding Tables (and Associated Paragraphs) in Section VIII of Ron Schnell's Amended Expert Report electronically using the FTC's E-Filing system, and I caused courtesy copies to be sent via email to:

April Tabor
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Suite CC-5610
Washington, DC 20580
ElectronicFilings@ftc.gov

*Secretary of the Commission
Clerk of the Court*

Hon. Jay L. Himes
Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW
Suite H-110
Washington, DC 20580

Administrative Law Judge

I further certify that on October 3, 2024, I caused the foregoing document to be served via email on:

Antonio F. Dias
Erika Whyte
Angela Korge
Jones Day
500 Grant Street, Suite 4500
Pittsburgh, PA 15219
clsnyder@jonesday.com
ktuttle@jonesday.com

Joseph Boylan
Jones Day
555 S. Flower Street
Los Angeles, CA 90071
jboylan@jonesday.com

Courtney L. Snyder
Kasey Tuttle
Jones Day
500 Grant Street, Suite 4500
Pittsburgh, PA 15219
clsnyder@jonesday.com
ktuttle@jonesday.com

Carol A. Hogan
Jones Day
110 North Wacker Drive
Suite 4800
Chicago, IL 60606
chogan@joneday.com

PUBLIC

Hashim M. Mooppan
Jones Day
51 Louisiana Avenue NW
Washington, DC 20001
hmmooppan@jonesday.com

Erin Sindberg Porter
Jones Day
90 South Seventh Street
Suite 4950
Minneapolis, MN 55402
esindbergporter@jonesday.com

Amanda L. Dollinger
Jones Day
250 Vesey Street
New York, NY 10281
adollinger@jonesday.com

*Attorneys for Respondents, H&R Block, Inc.
HRB Digital LLC, and HRB Tax Group, Inc.*

/s/ Joshua A. Doan
Joshua A. Doan

PUBLIC

EXHIBIT 1

PUBLIC
CONFIDENTIAL - NONPUBLIC

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the matter of

H&R BLOCK INC.,

a corporation,

HRB DIGITAL LLC,

a limited liability company, and

HRB TAX GROUP, INC.,

a corporation.

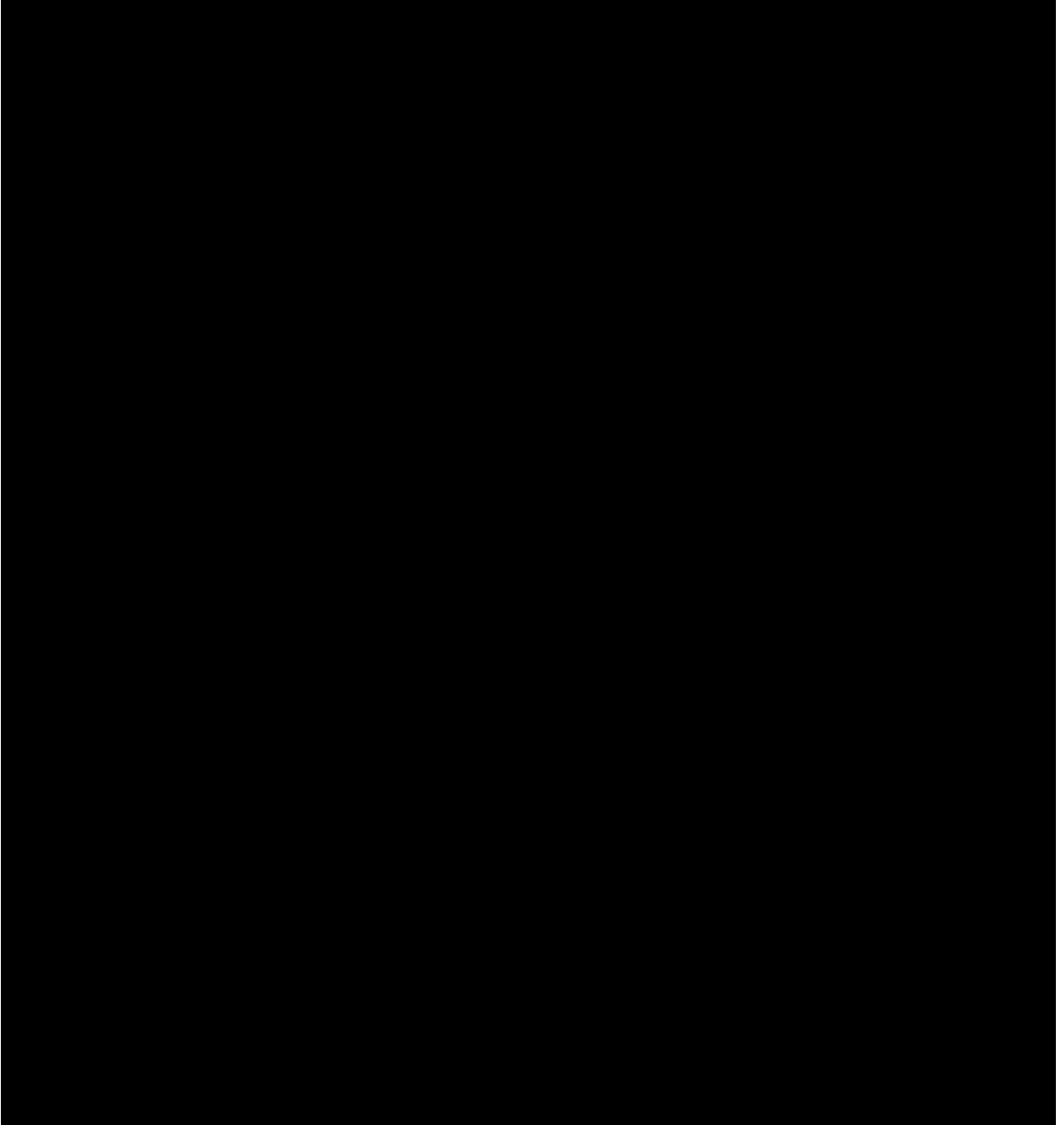
DOCKET NO. 9427

AMENDED EXPERT REPORT OF RON SCHNELL

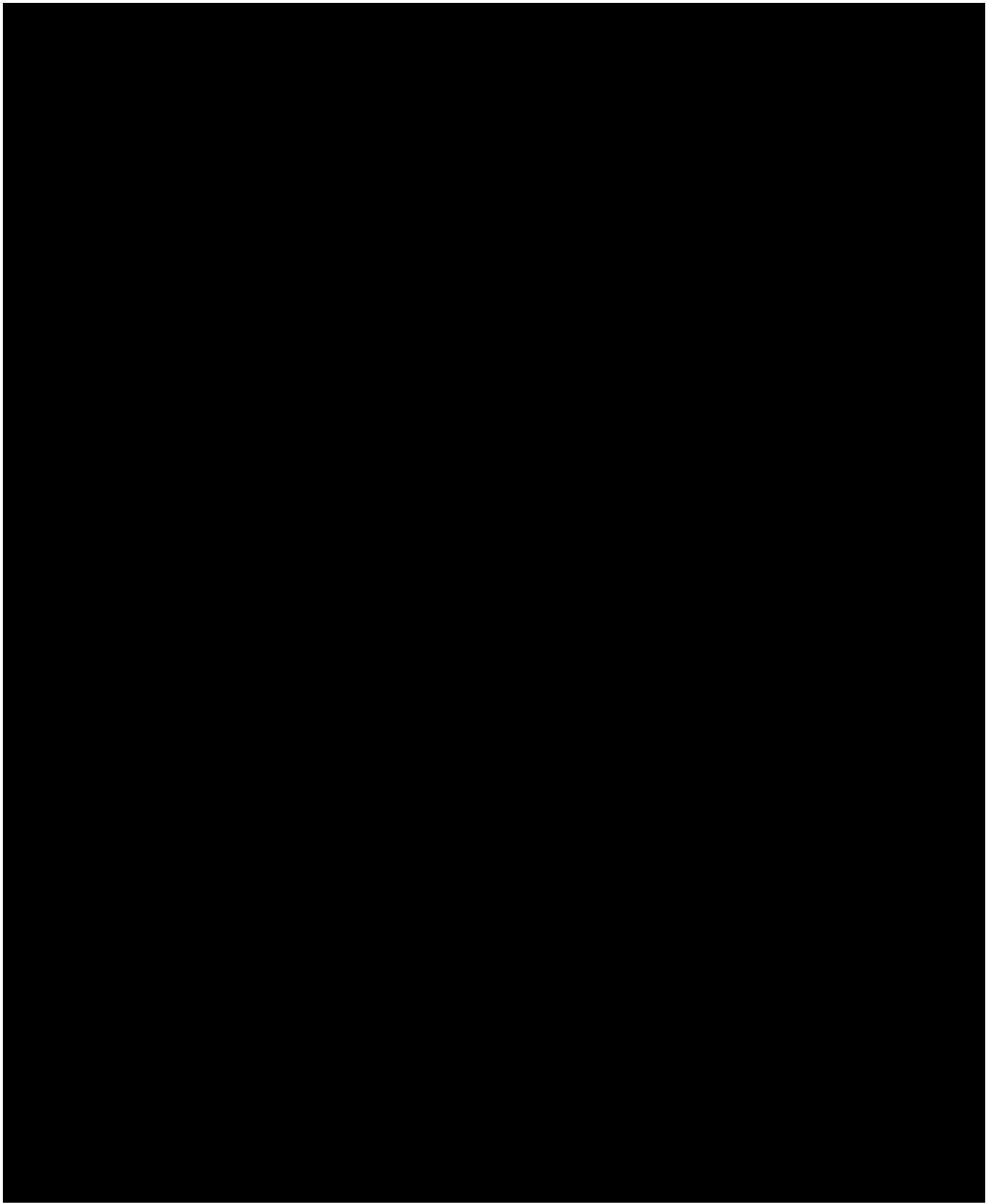
August 30, 2024

**EXHIBIT
01**

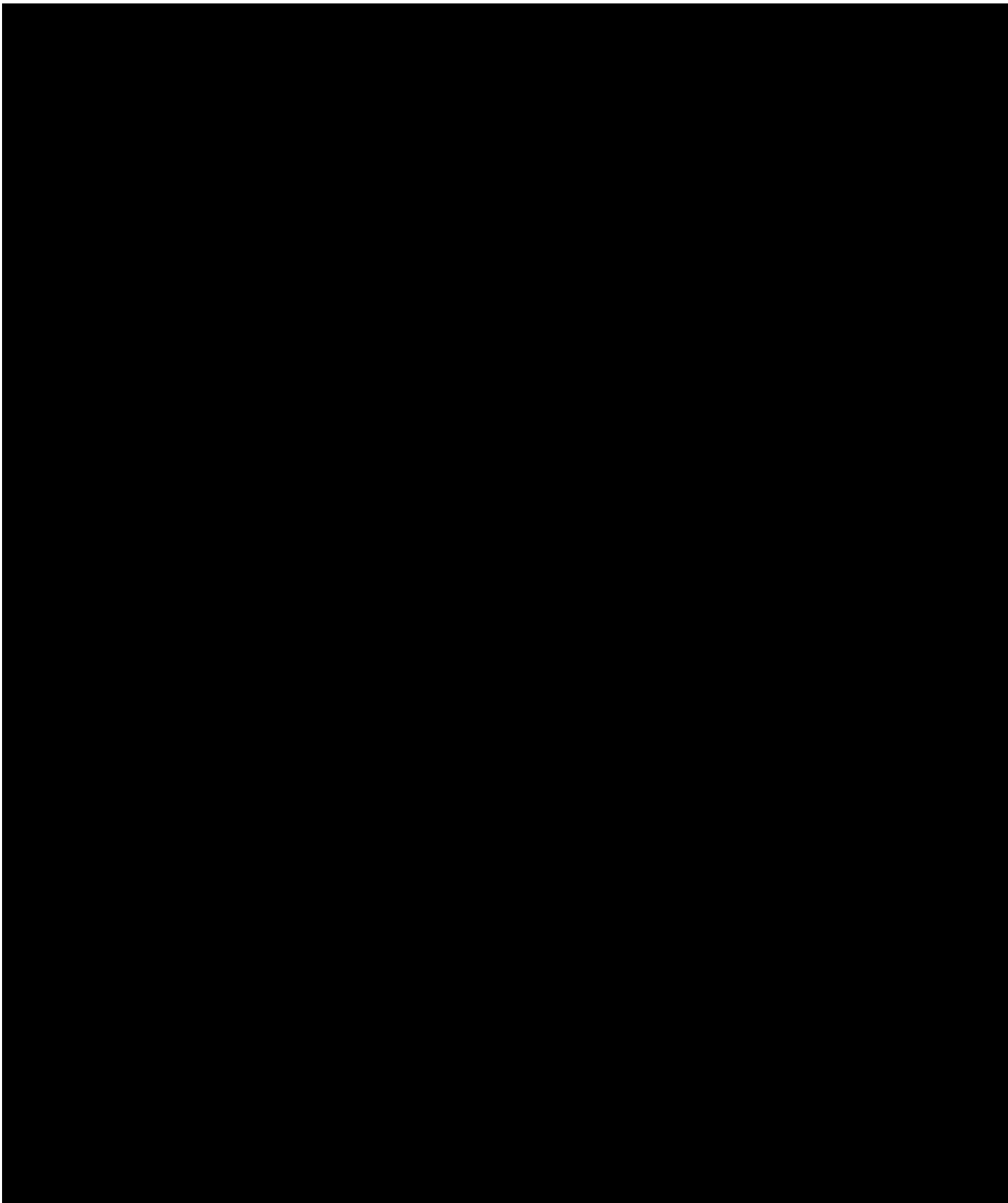
PUBLIC
CONFIDENTIAL - NONPUBLIC



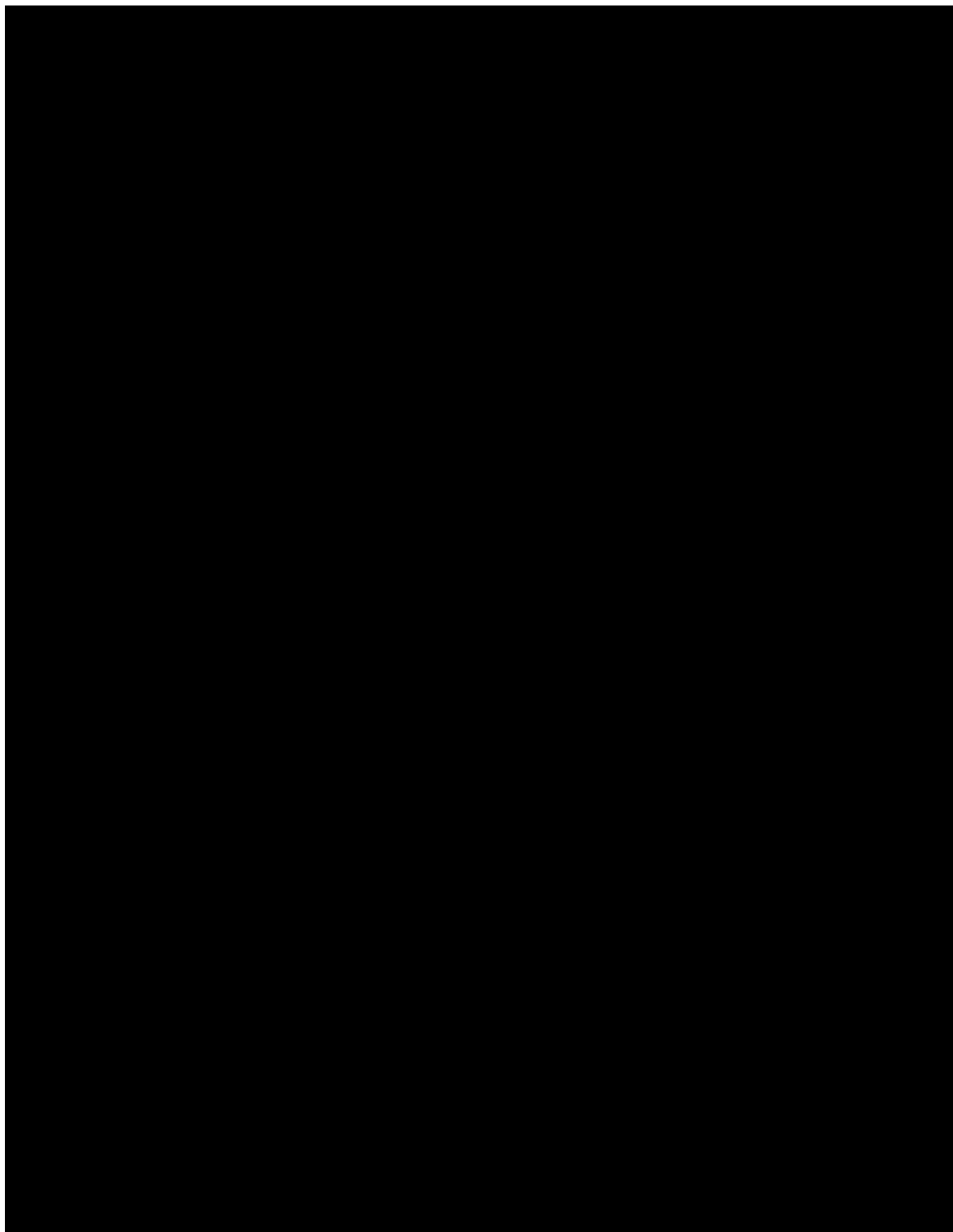
PUBLIC
CONFIDENTIAL - NONPUBLIC



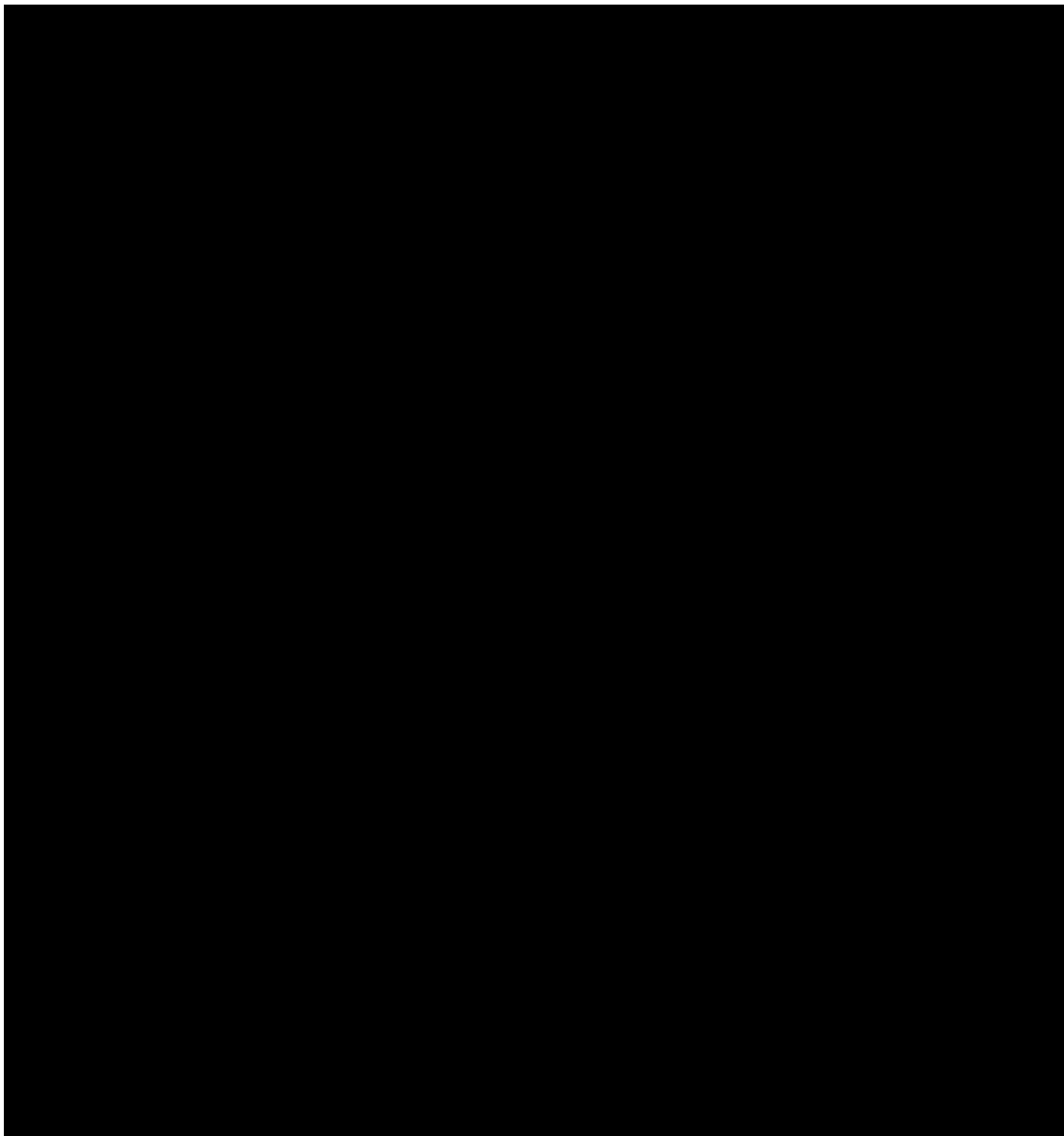
PUBLIC
CONFIDENTIAL - NONPUBLIC



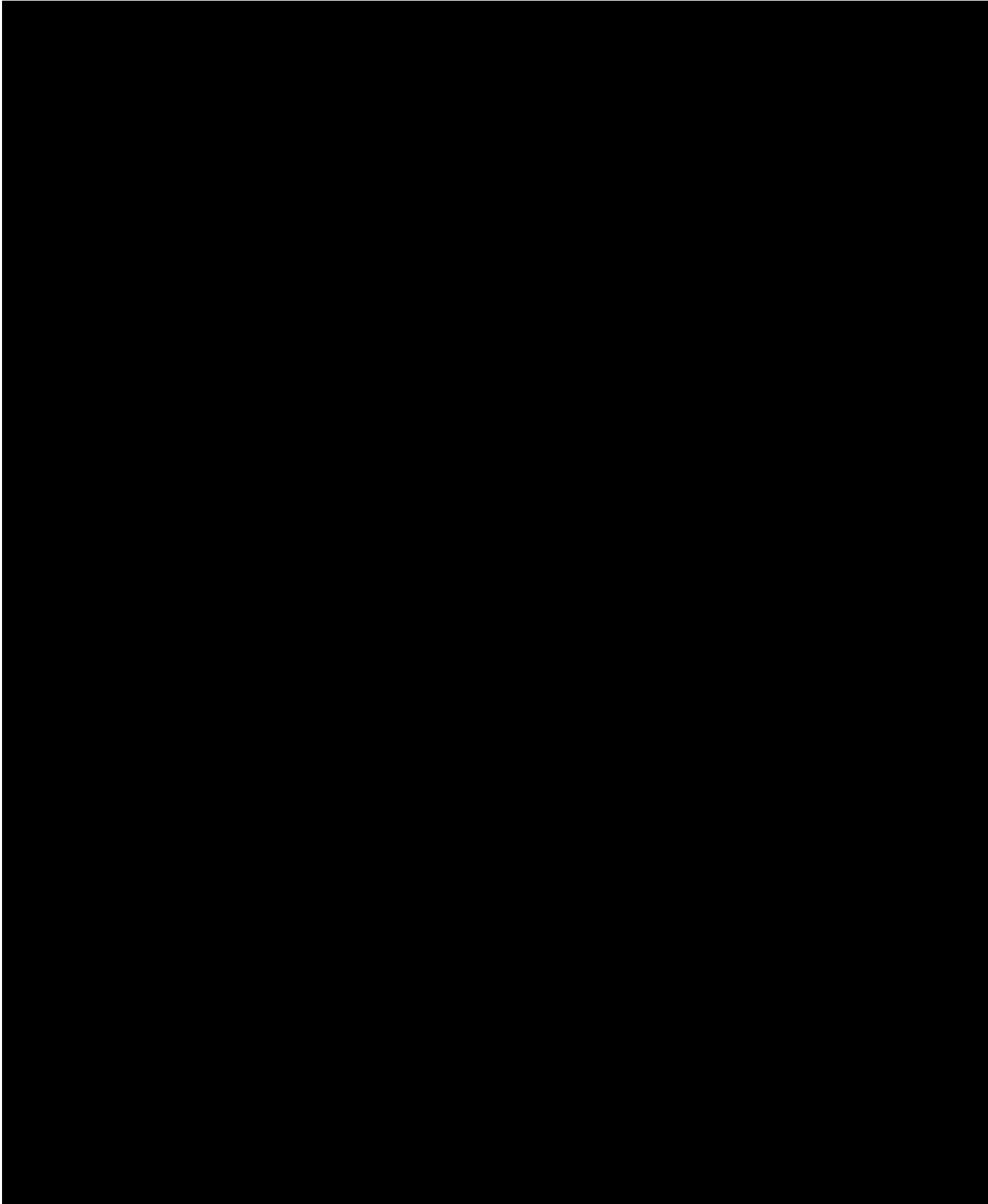
PUBLIC
CONFIDENTIAL - NONPUBLIC



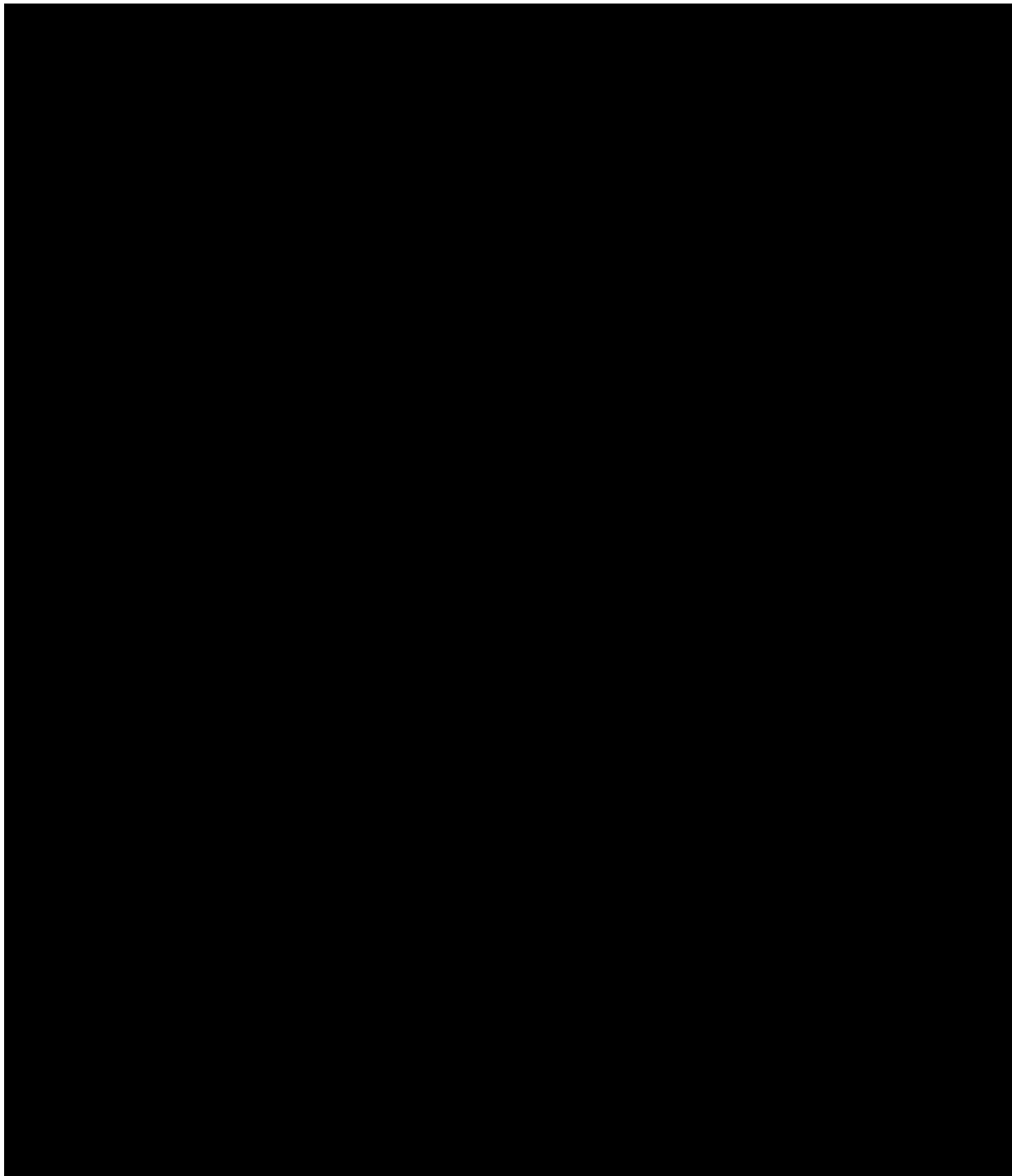
PUBLIC
CONFIDENTIAL - NONPUBLIC



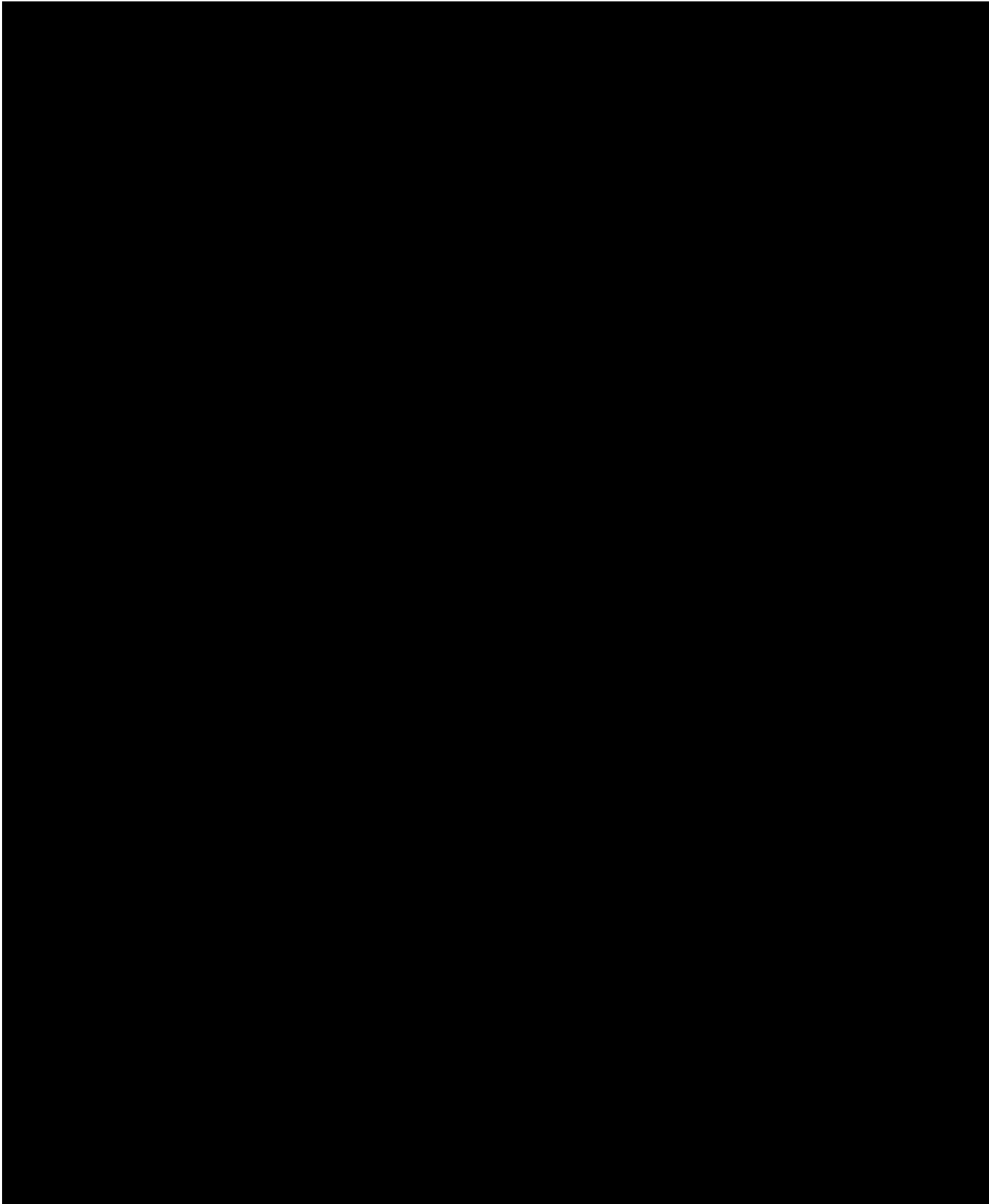
PUBLIC
CONFIDENTIAL - NONPUBLIC



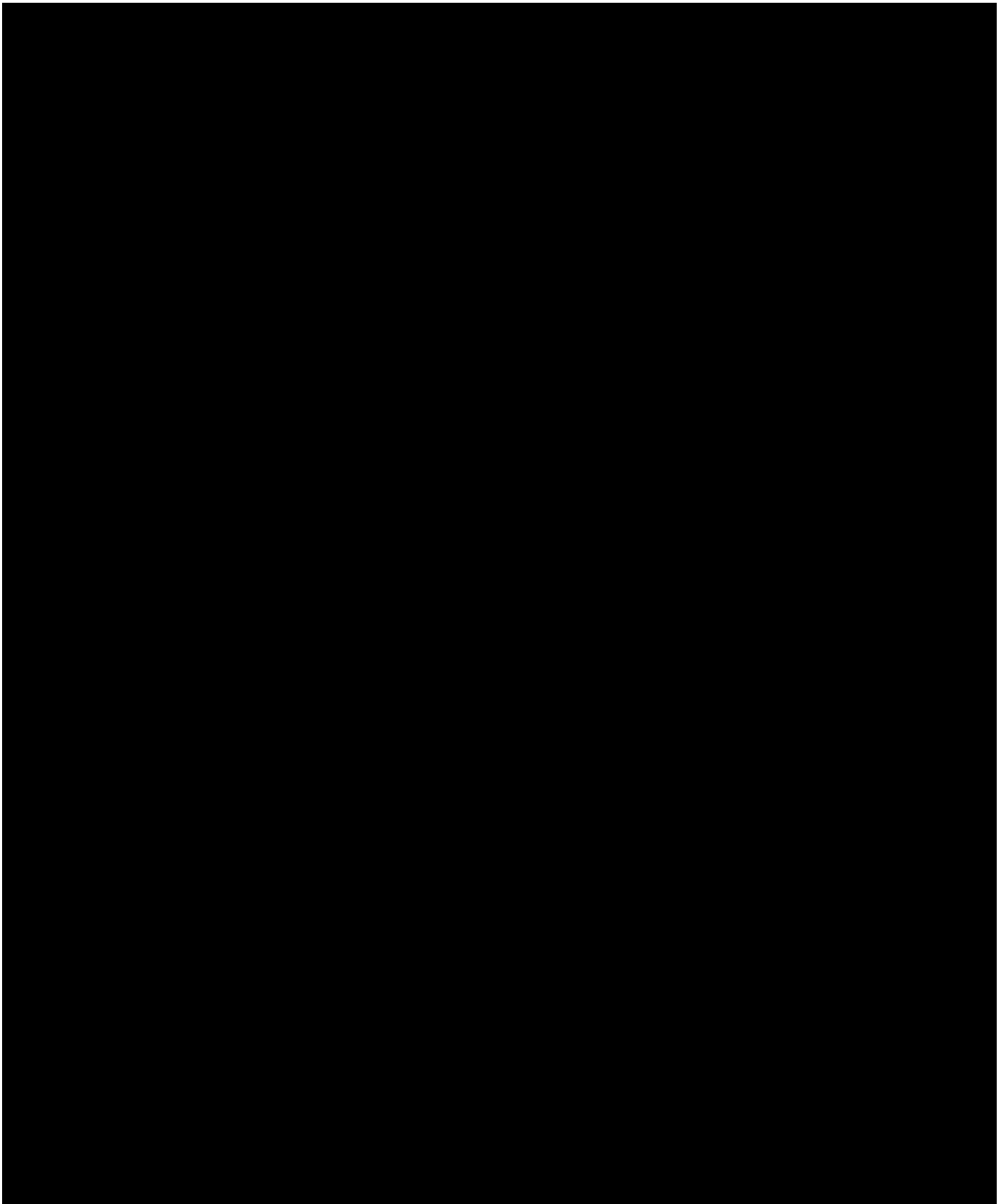
PUBLIC
CONFIDENTIAL - NONPUBLIC



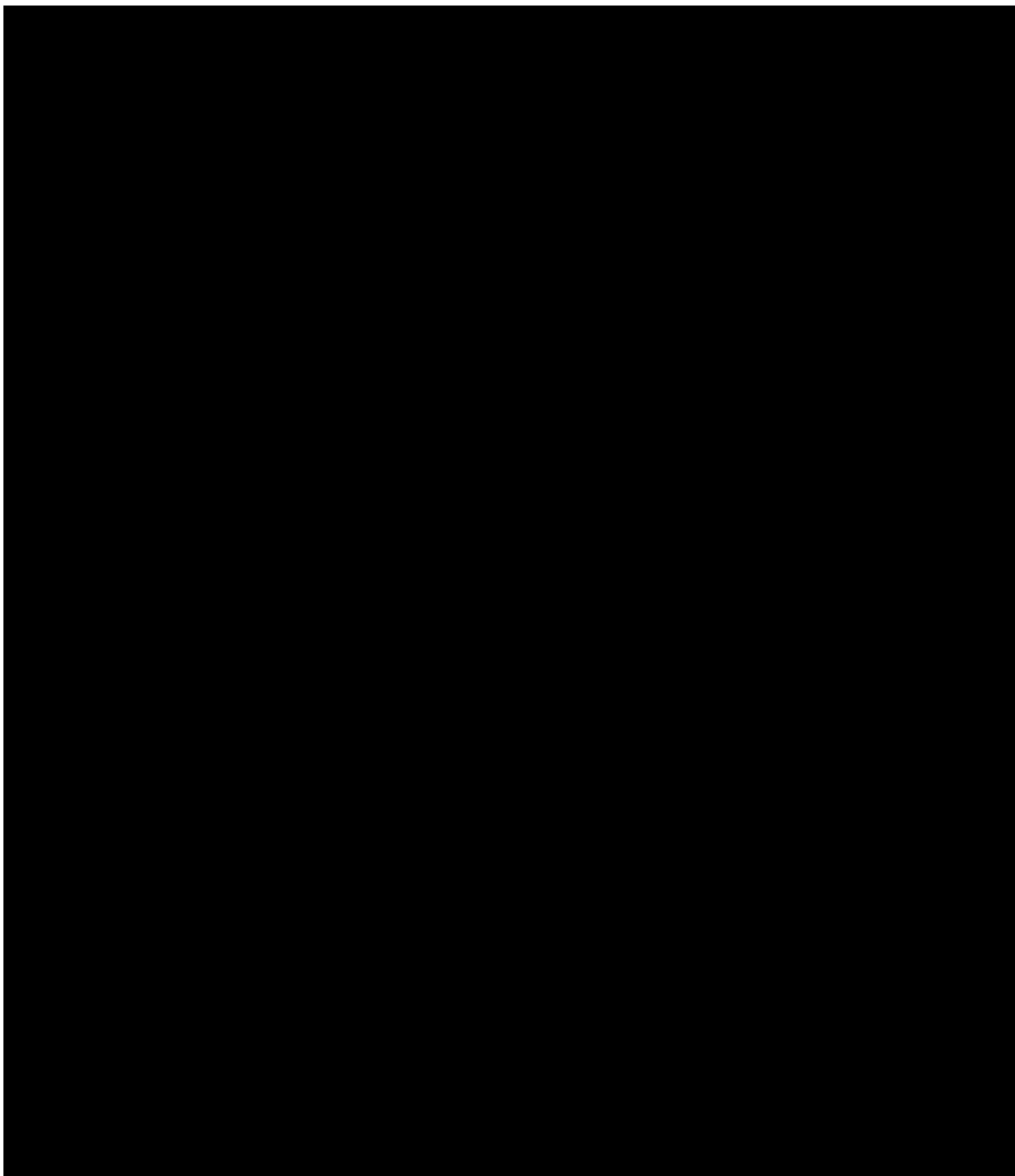
PUBLIC
CONFIDENTIAL - NONPUBLIC



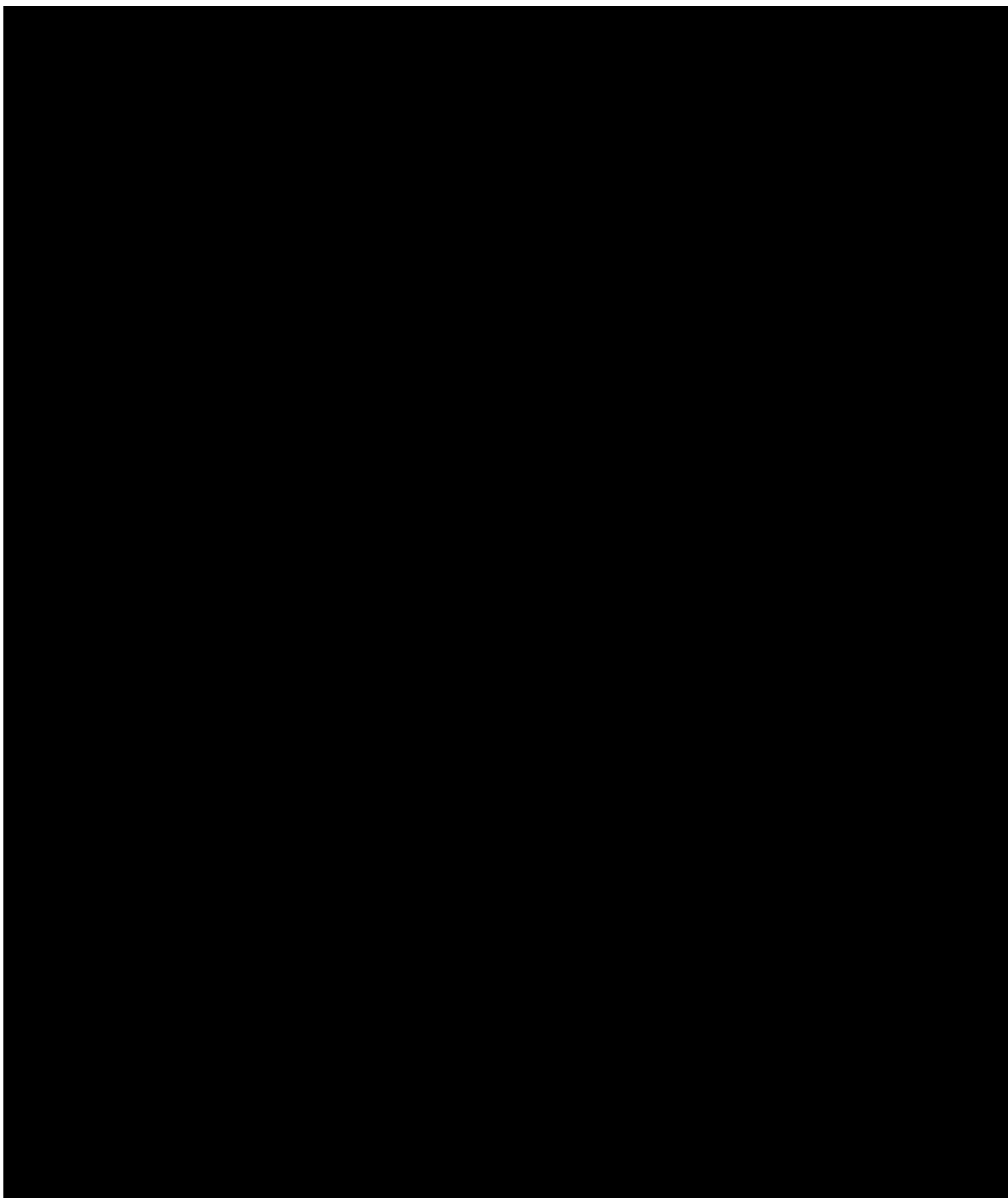
PUBLIC
CONFIDENTIAL - NONPUBLIC



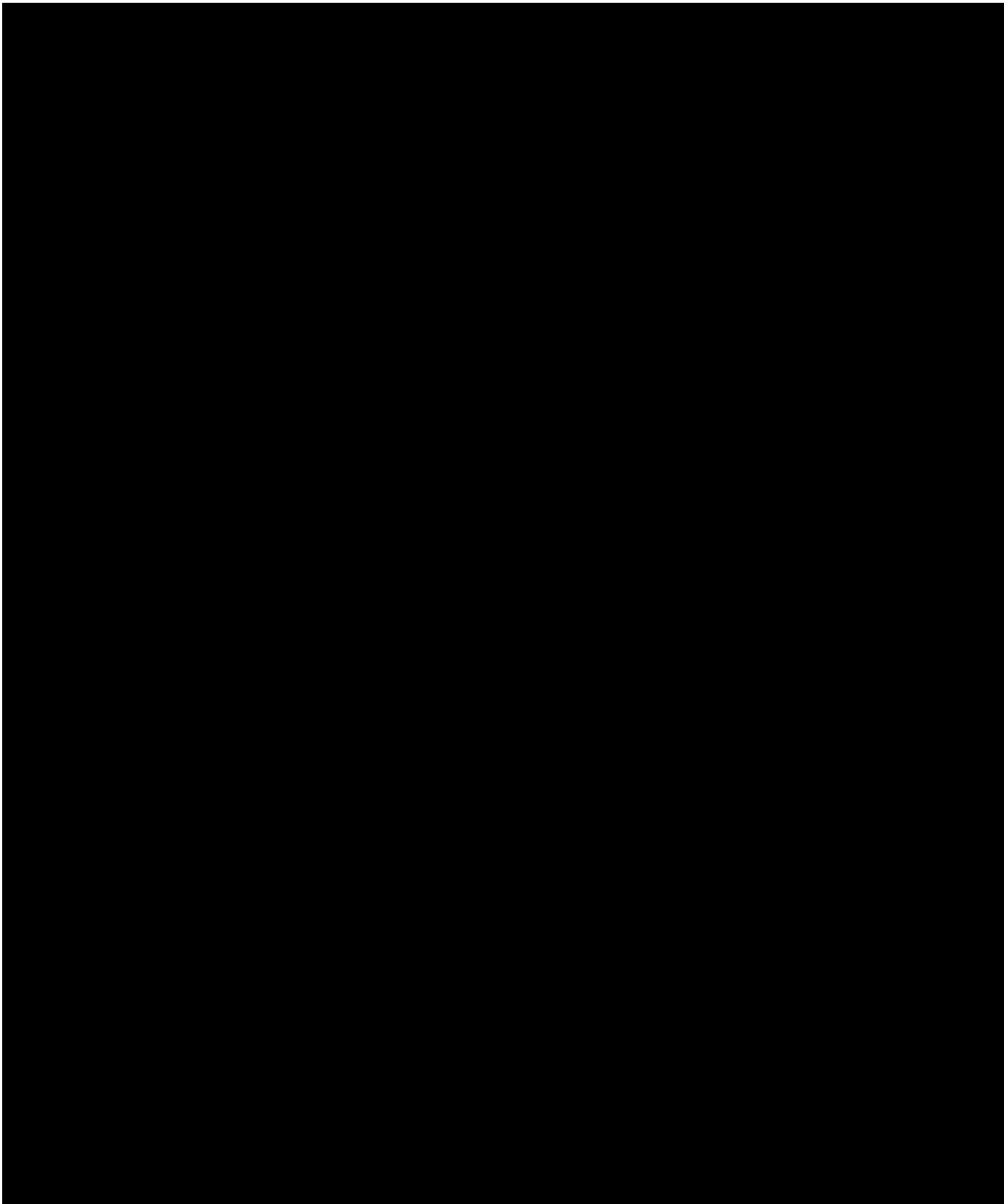
PUBLIC
CONFIDENTIAL - NONPUBLIC



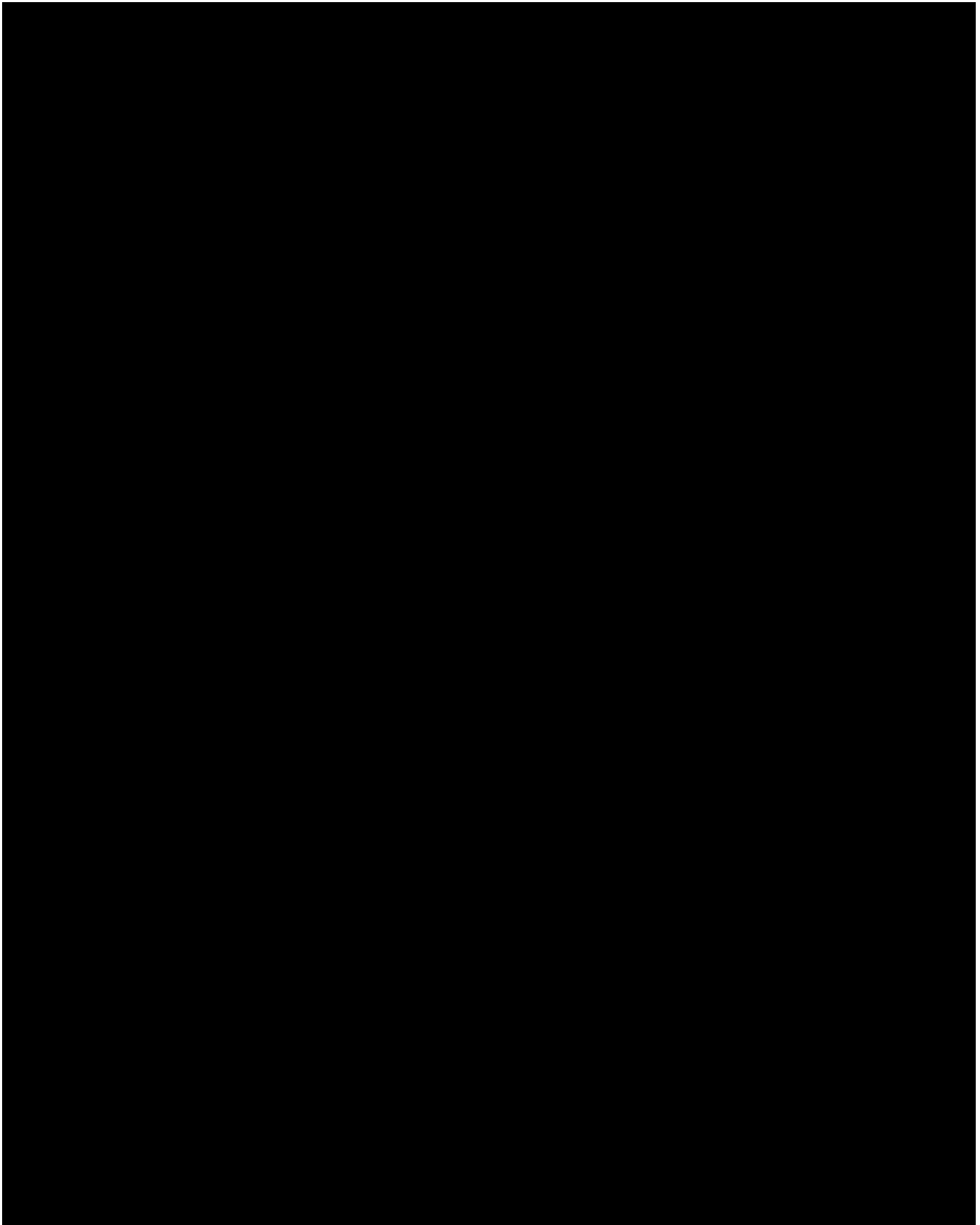
PUBLIC
CONFIDENTIAL - NONPUBLIC



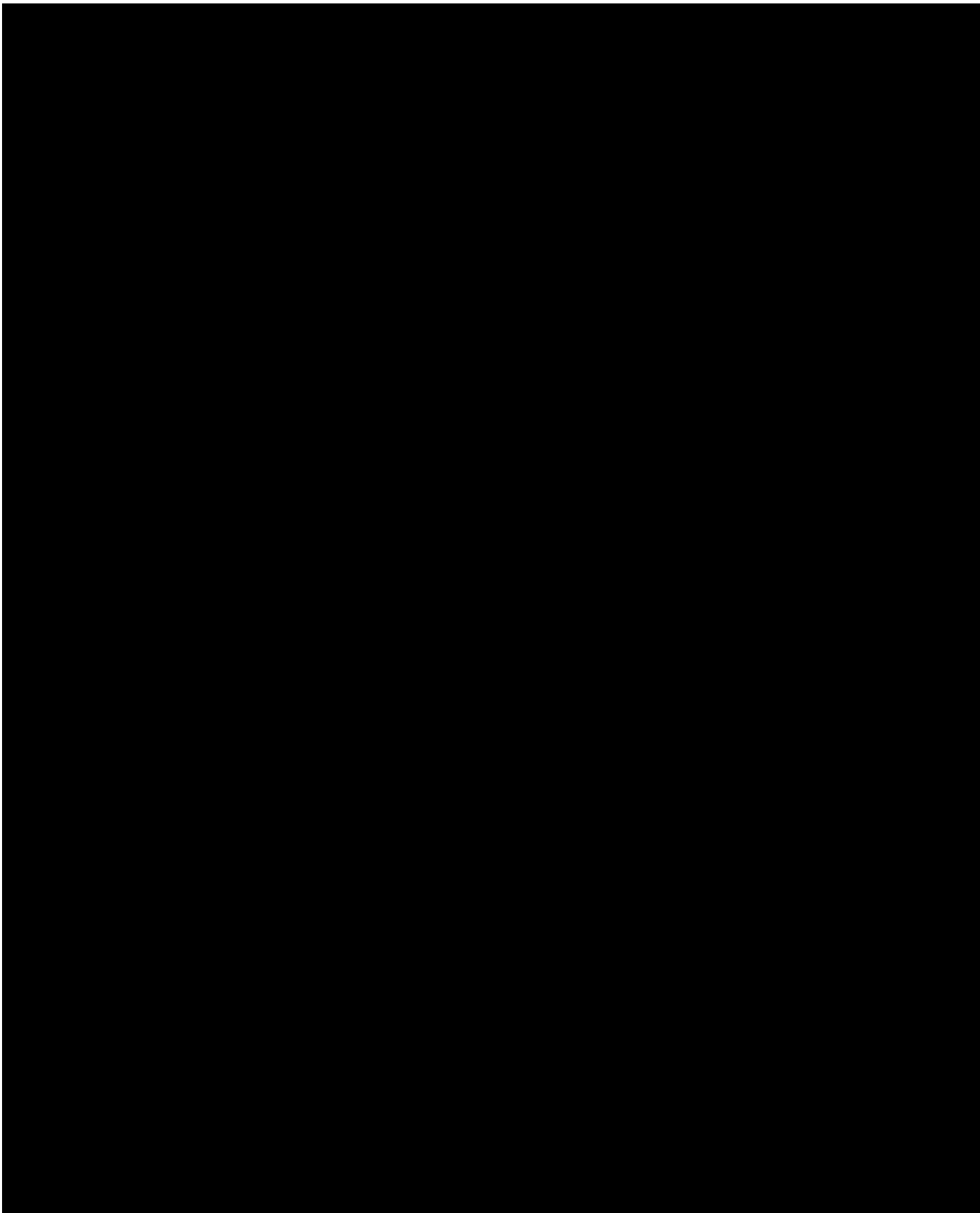
PUBLIC
CONFIDENTIAL - NONPUBLIC



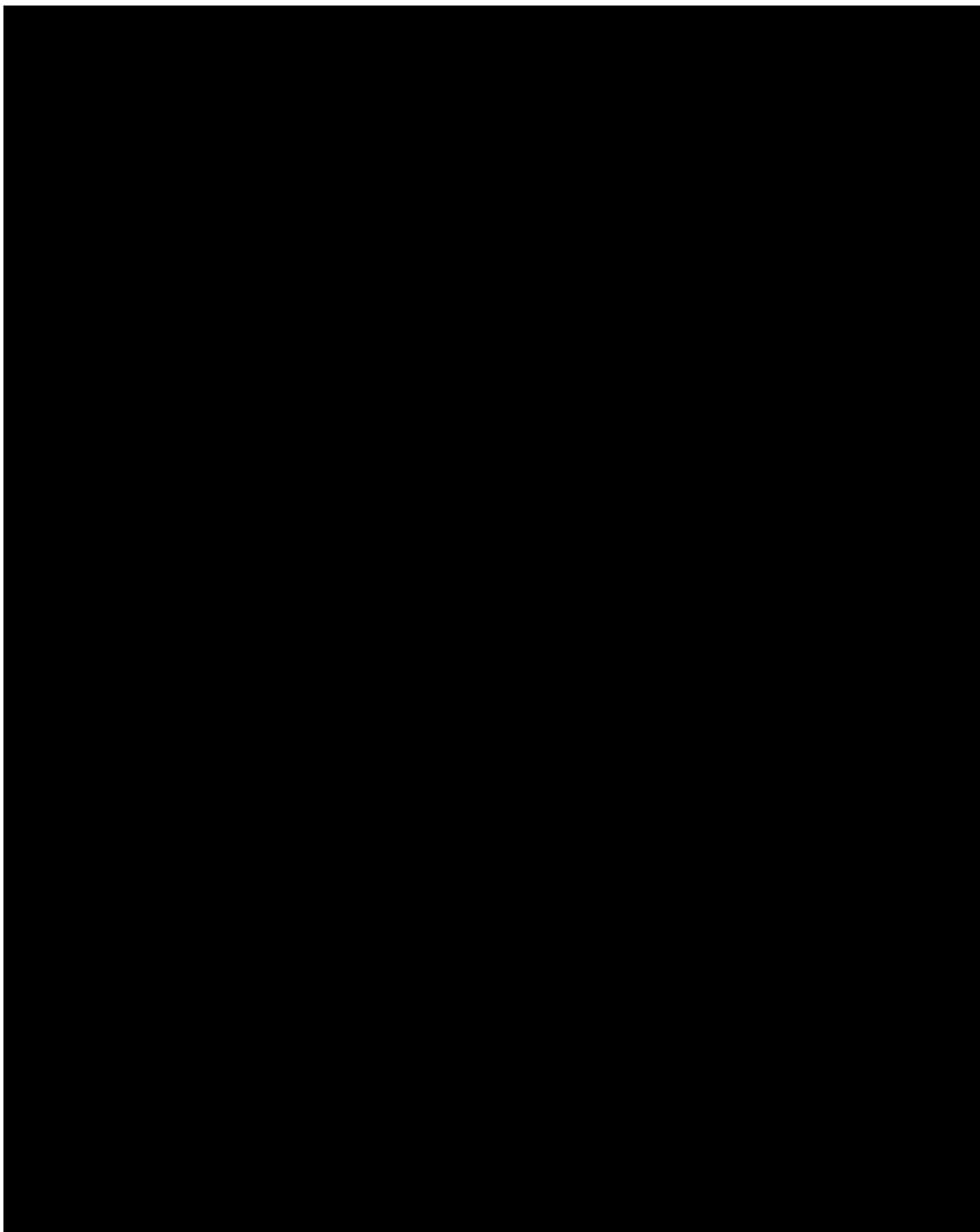
PUBLIC
CONFIDENTIAL - NONPUBLIC



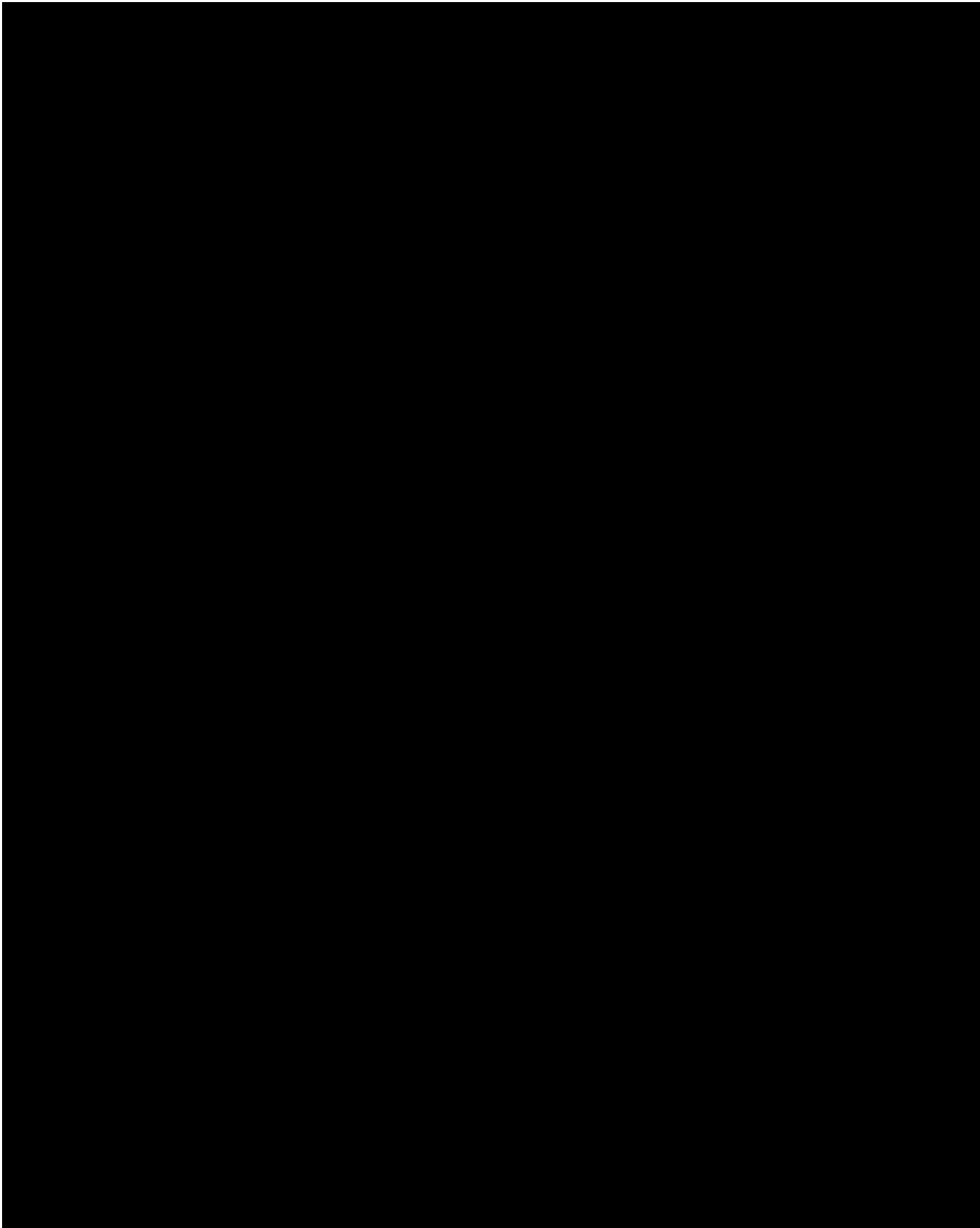
PUBLIC
CONFIDENTIAL - NONPUBLIC



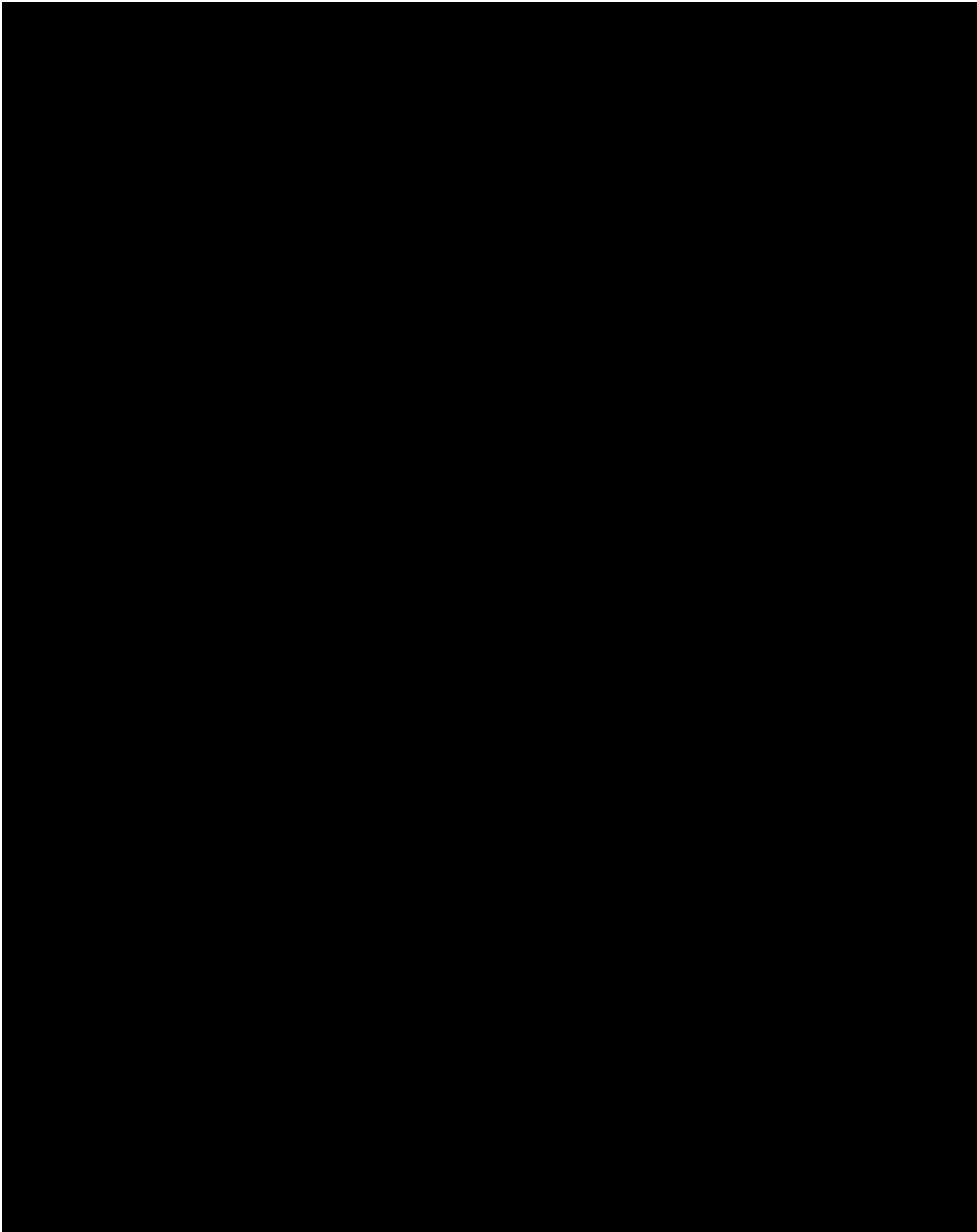
PUBLIC
CONFIDENTIAL - NONPUBLIC



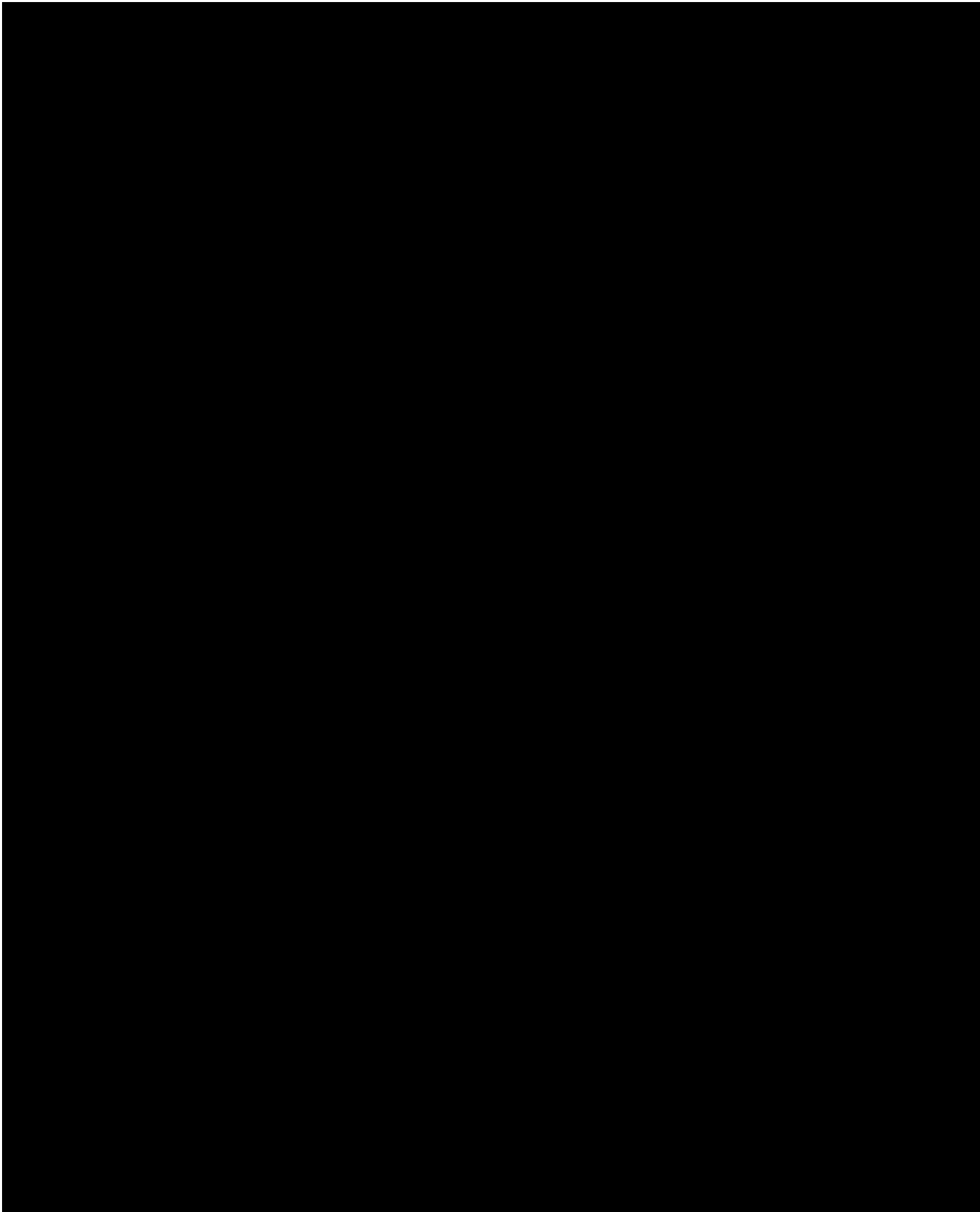
PUBLIC
CONFIDENTIAL - NONPUBLIC



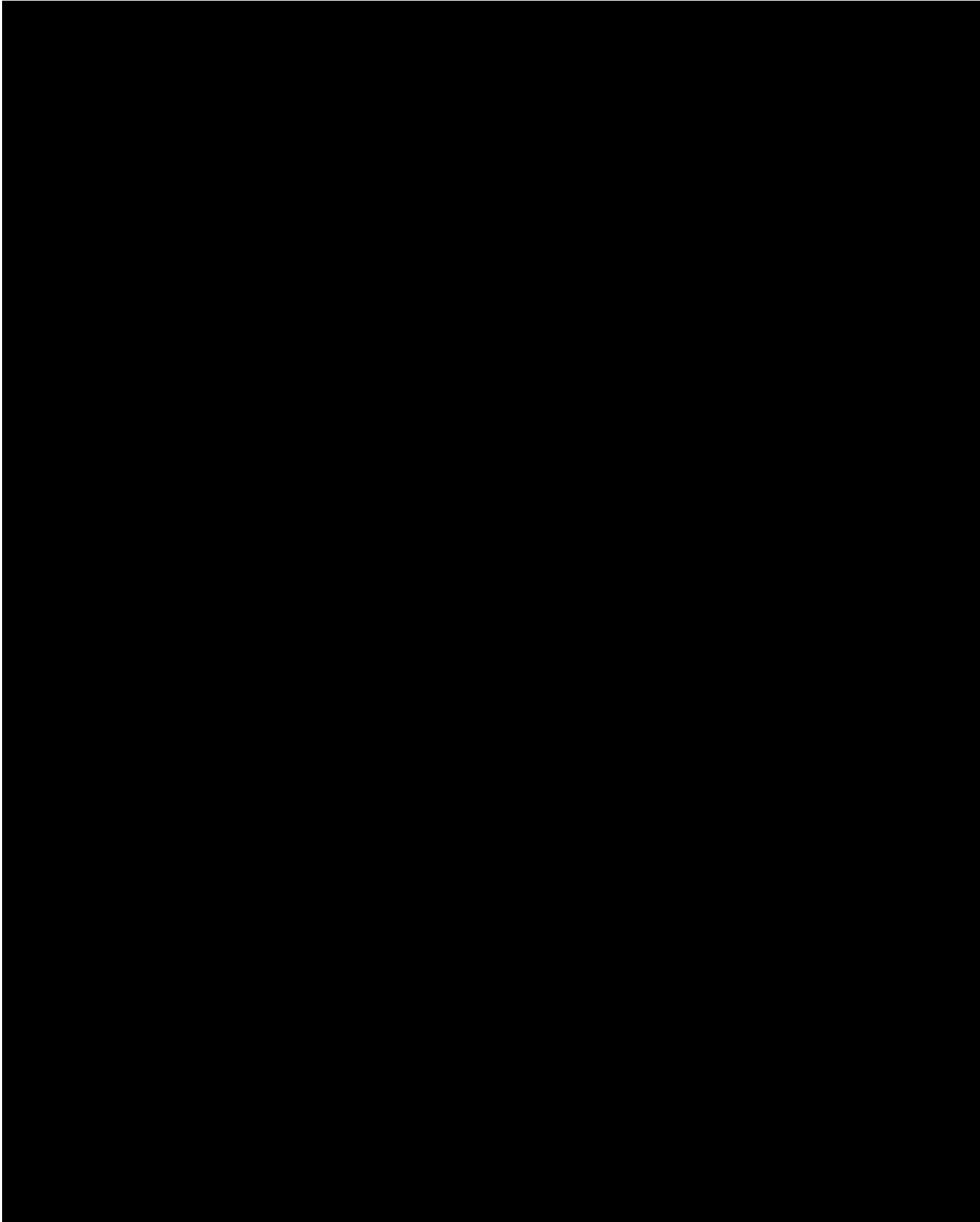
PUBLIC
CONFIDENTIAL - NONPUBLIC



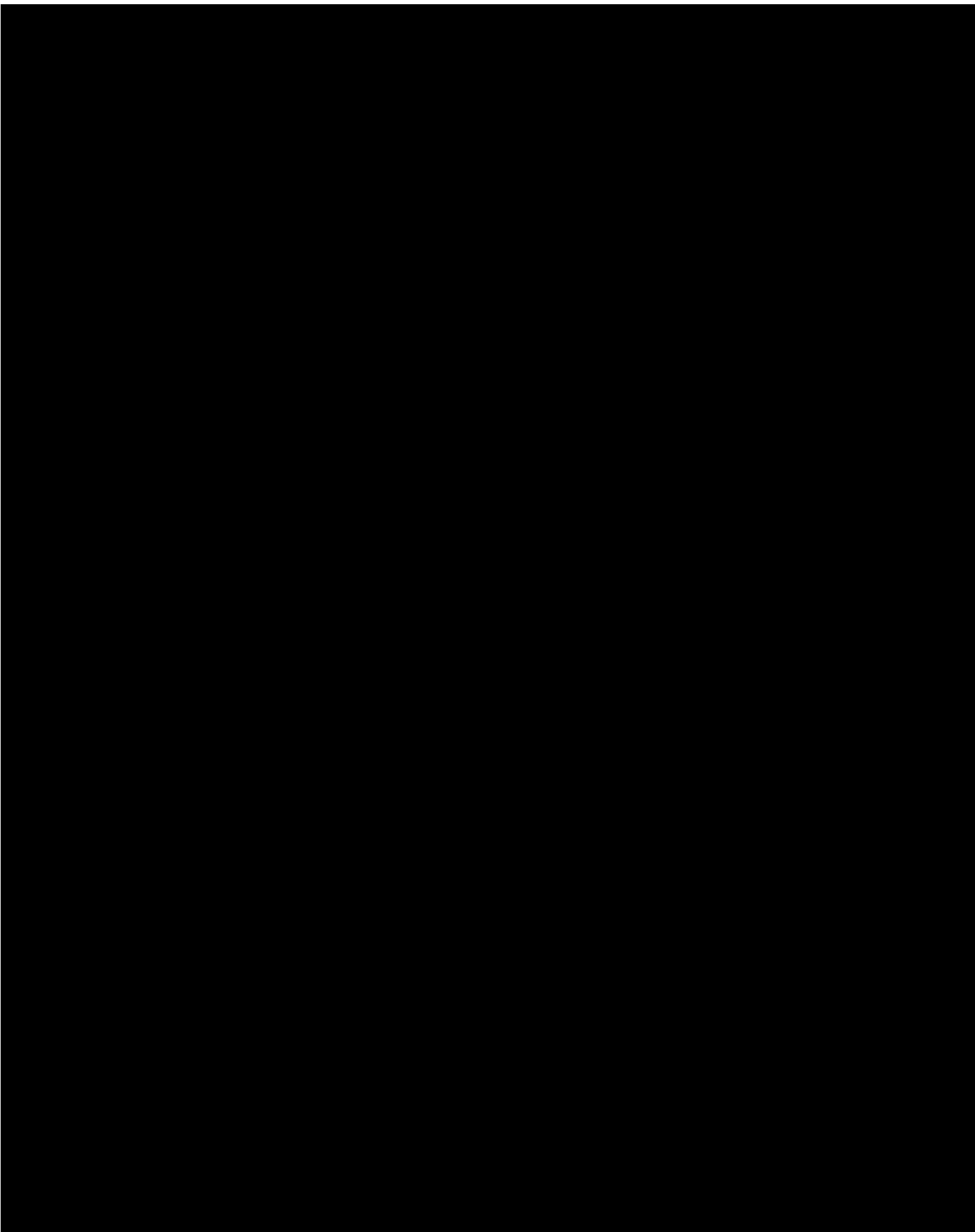
PUBLIC
CONFIDENTIAL - NONPUBLIC



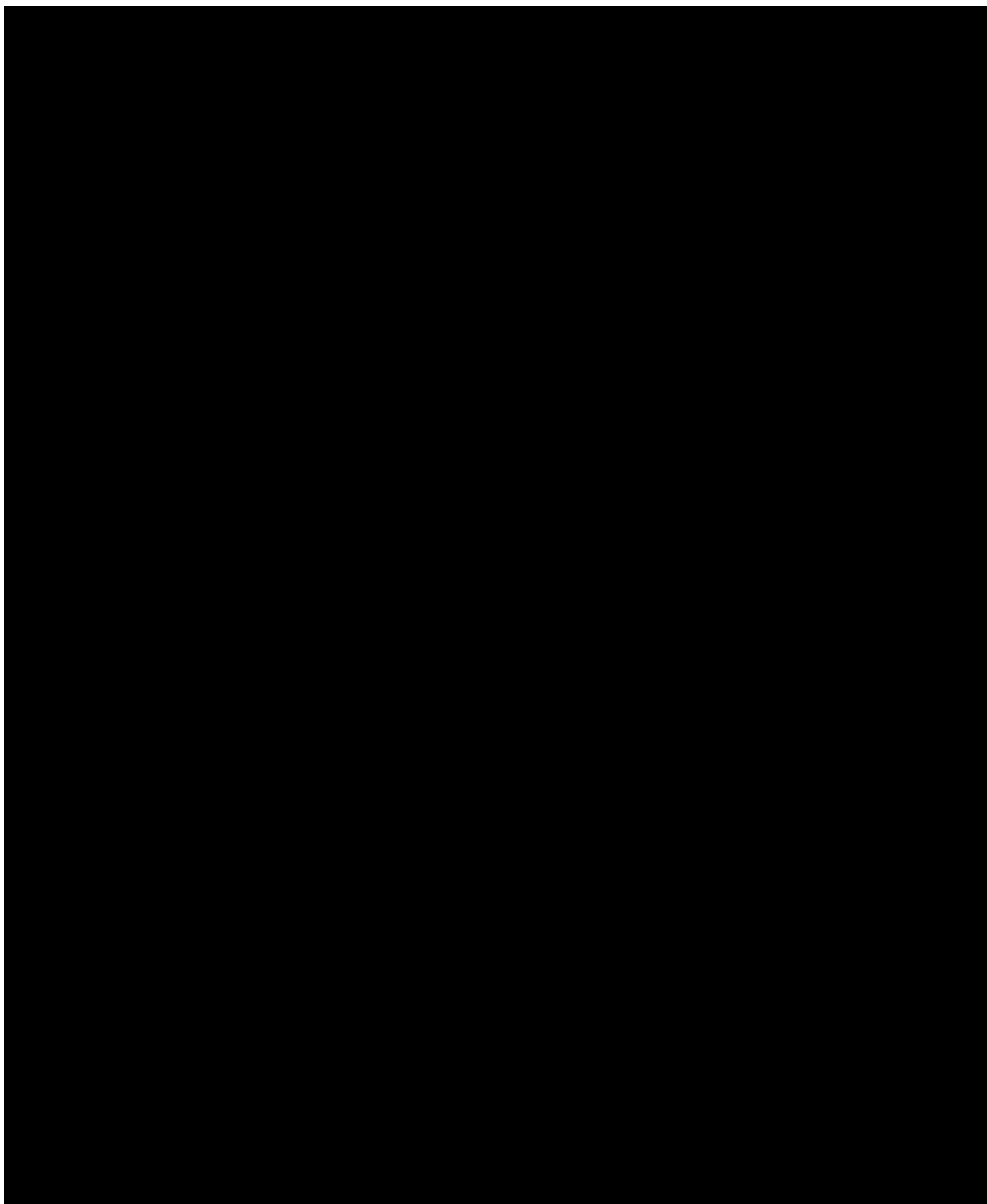
PUBLIC
CONFIDENTIAL - NONPUBLIC



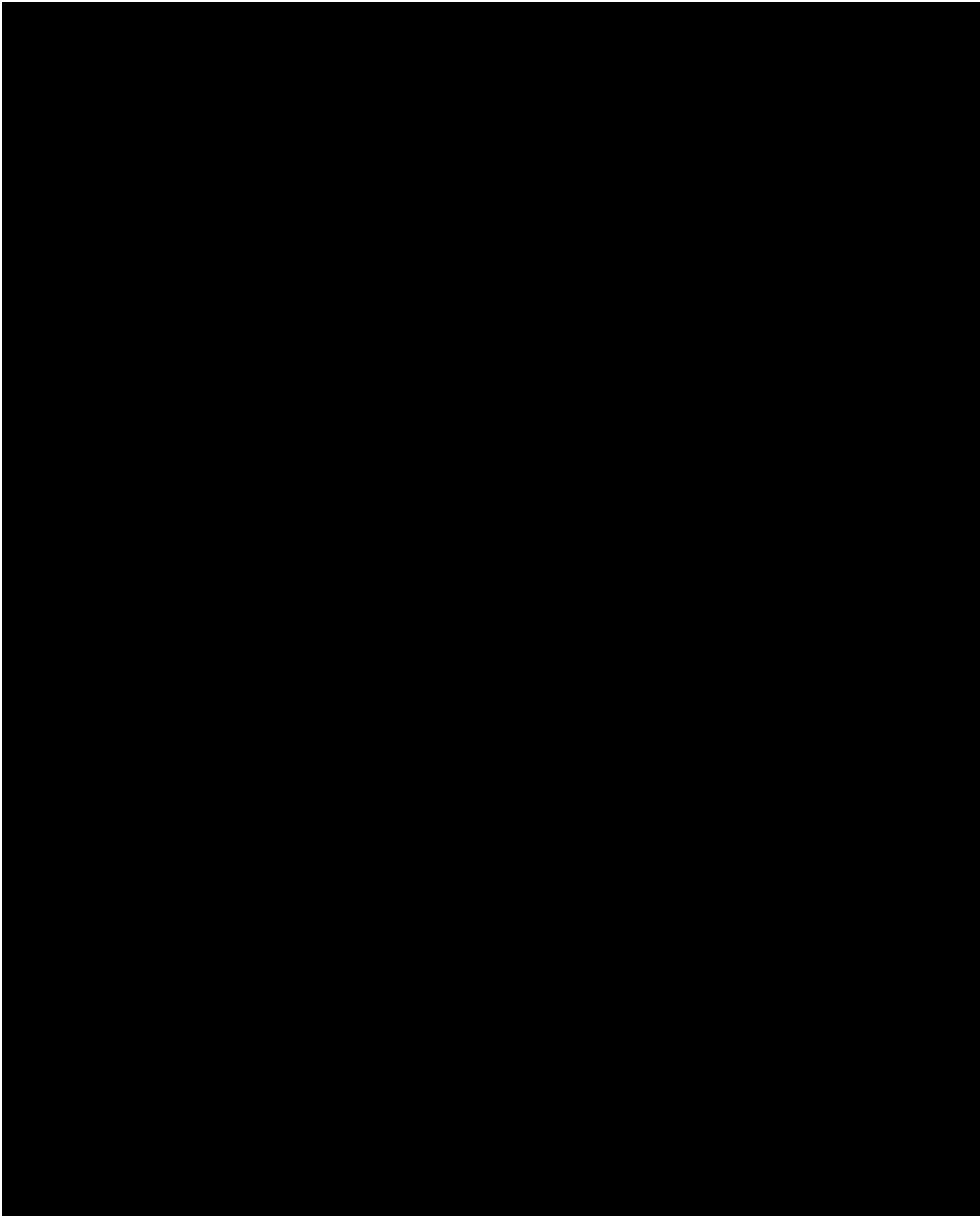
PUBLIC
CONFIDENTIAL - NONPUBLIC



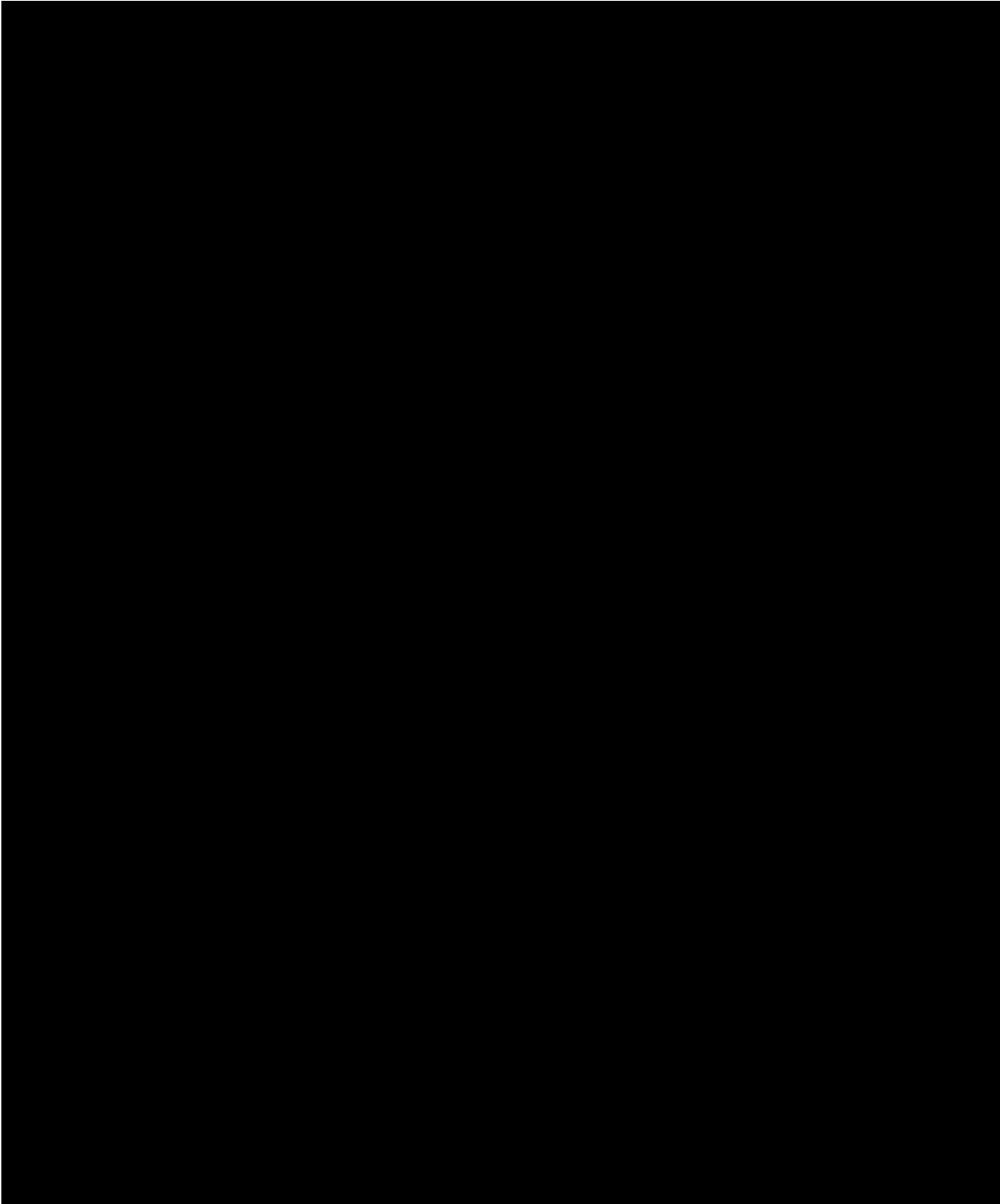
PUBLIC
CONFIDENTIAL - NONPUBLIC



PUBLIC
CONFIDENTIAL - NONPUBLIC



PUBLIC
CONFIDENTIAL - NONPUBLIC



PUBLIC

EXHIBIT 2

In the Matter of:

H&R Block and HRB Tax Group

September 20, 2024
Ron Schnell

Condensed Transcript with Word Index



For The Record, Inc.
(301) 870-8025 - www.ftrinc.net - (800) 921-5555

EXHIBIT
02

PUBLIC

EXHIBIT 3

PUBLIC
CONFIDENTIAL

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

In the Matter of

H&R BLOCK INC.,
a corporation,

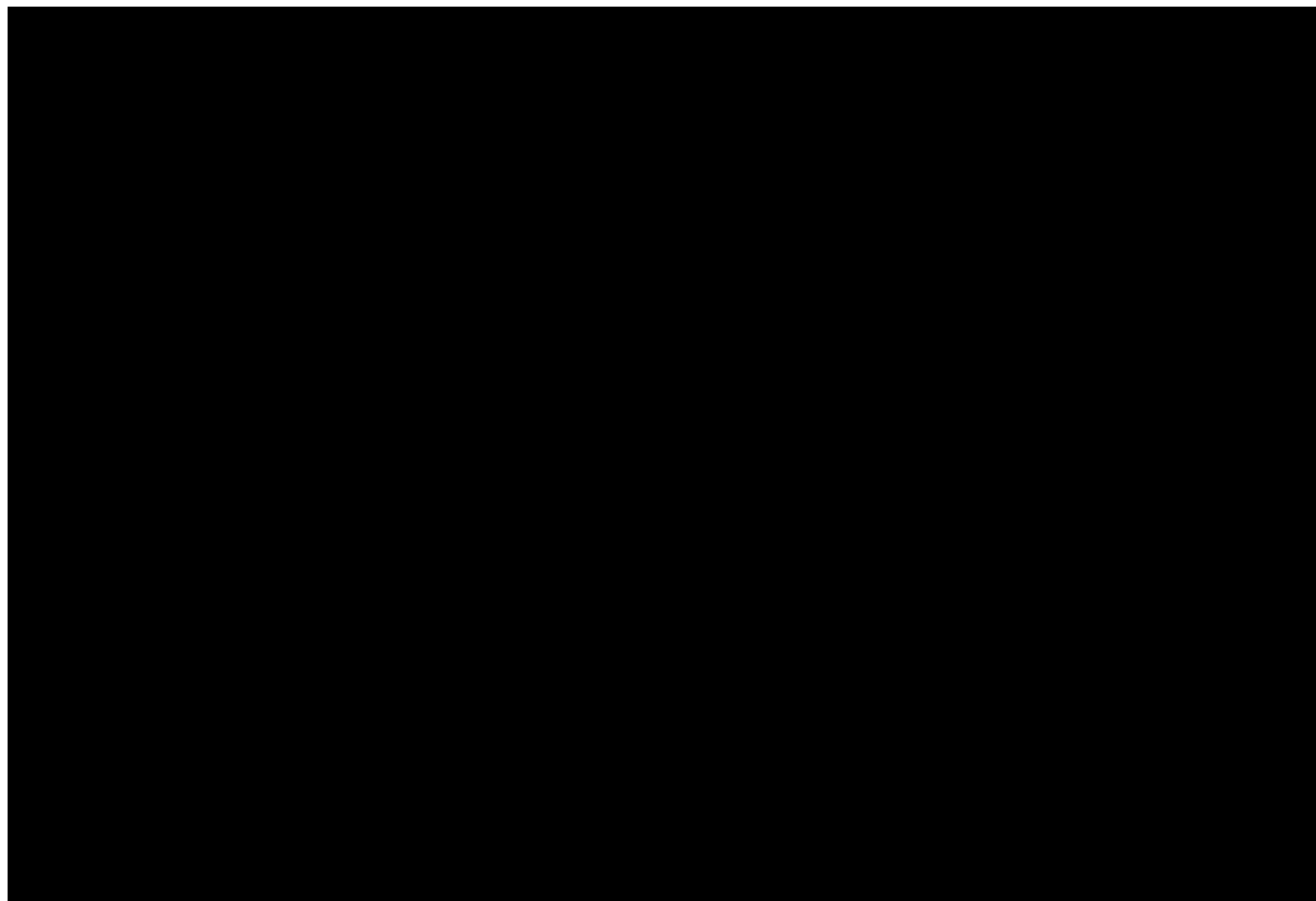
HRB DIGITAL LLC,
a limited liability company, and

HRB TAX GROUP, INC.,
a corporation.

DOCKET No. D9427

NON PUBLIC DOCUMENT

**RESPONDENTS H&R BLOCK, INC., HRB DIGITAL LLC, AND
HRB TAX GROUP, INC.'S RULE 3.31 INITIAL DISCLOSURES**



**EXHIBIT
03**

PUBLIC

EXHIBIT 4

PUBLIC
CONFIDENTIAL

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

In the Matter of

H&R BLOCK INC.,
a corporation,

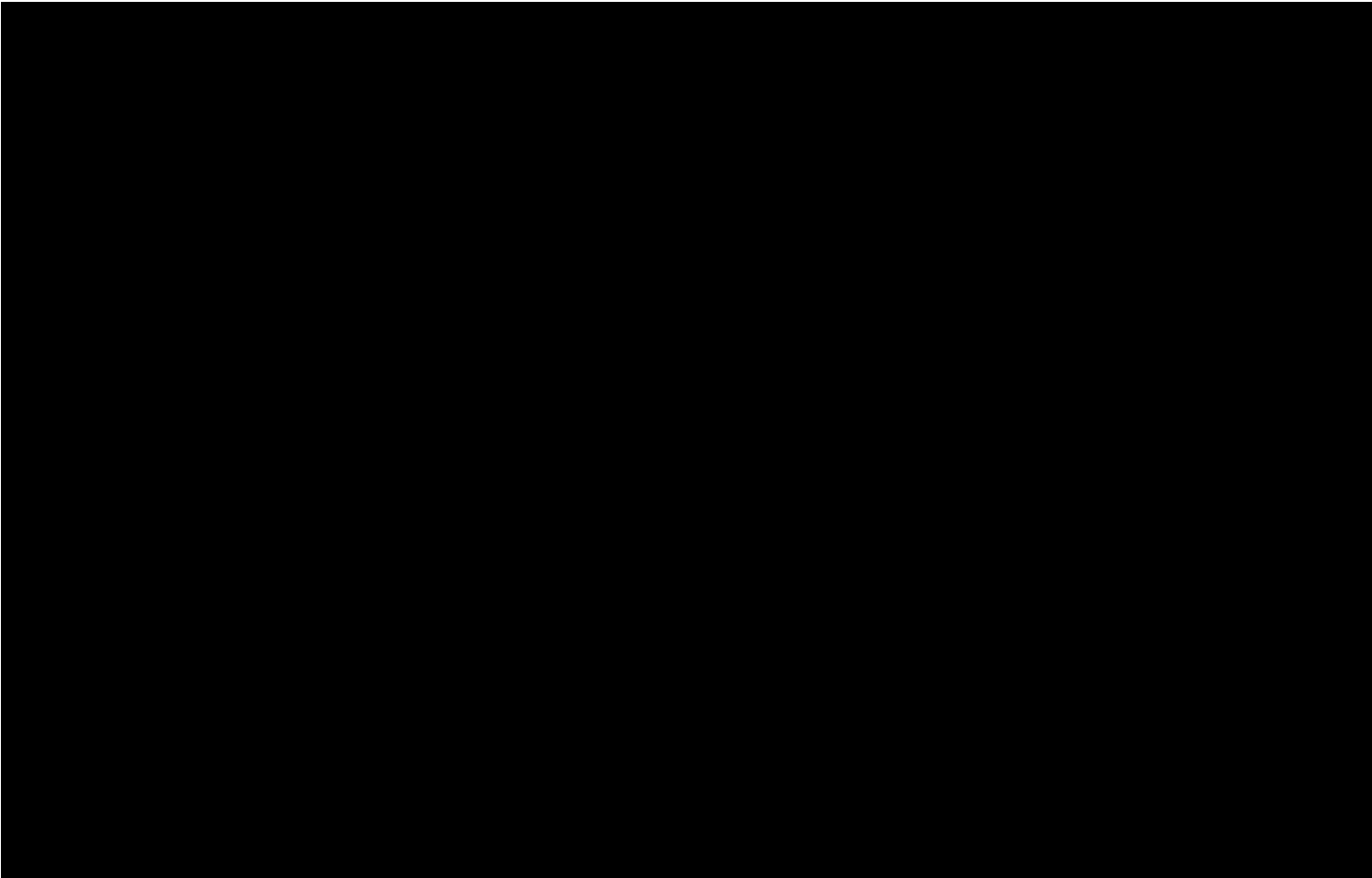
HRB DIGITAL LLC,
a limited liability company, and

HRB TAX GROUP, INC.,
a corporation.

DOCKET No. D9427

NON PUBLIC DOCUMENT

**RESPONDENTS H&R BLOCK, INC., HRB DIGITAL LLC, AND HRB TAX GROUP,
INC.'S AMENDED AND SUPPLEMENTED RULE 3.31 INITIAL DISCLOSURES**



EXHIBIT

04

PUBLIC

EXHIBIT 5

PUBLIC
CONFIDENTIAL

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

In the Matter of

H&R BLOCK INC.,
a corporation,

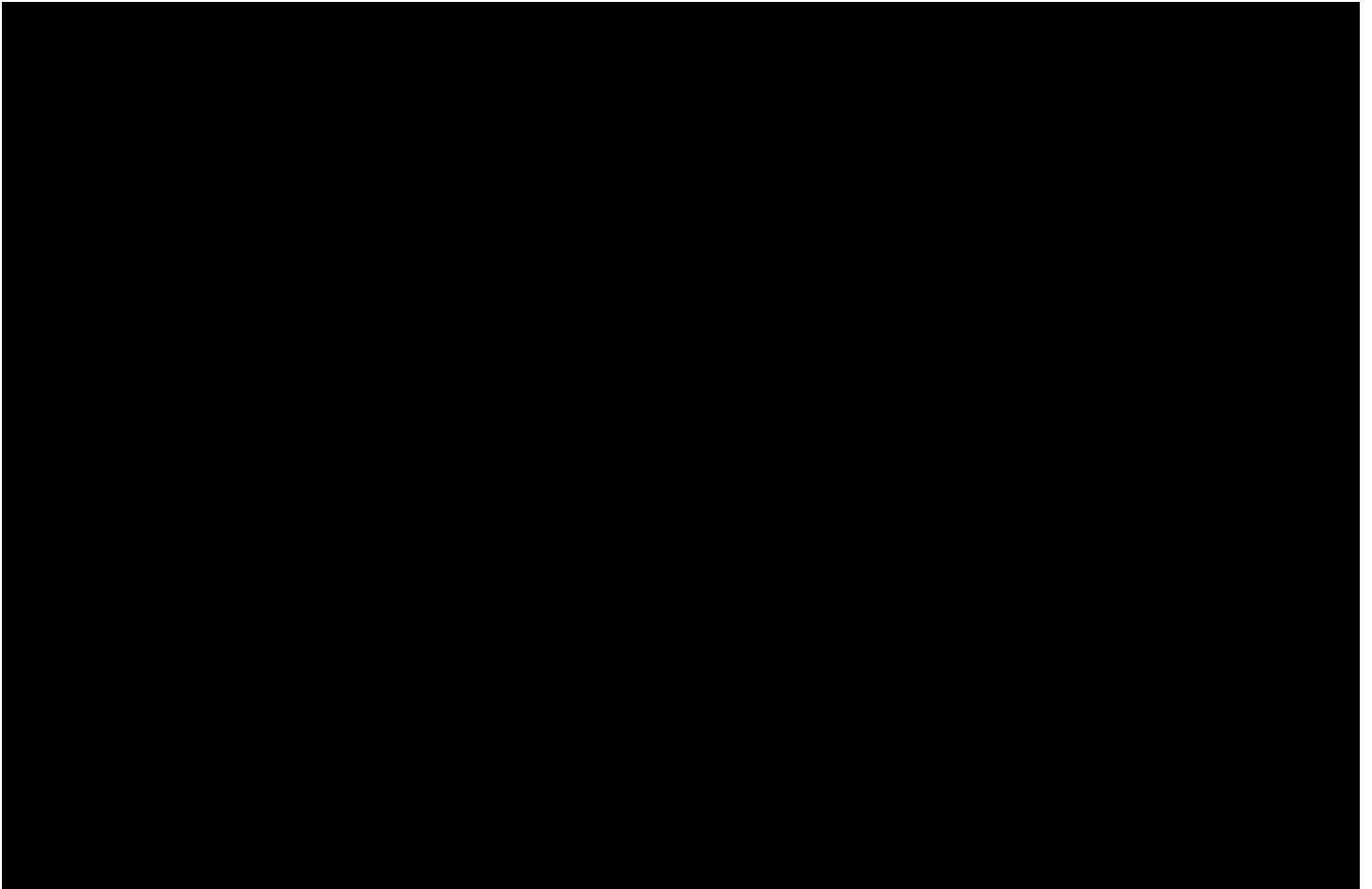
HRB DIGITAL LLC,
a limited liability company, and

HRB TAX GROUP, INC.,
a corporation.

DOCKET No. D9427

NON PUBLIC DOCUMENT

**RESPONDENTS H&R BLOCK, INC., HRB DIGITAL LLC, AND HRB TAX GROUP,
INC.'S SECOND SUPPLEMENTED RULE 3.31 INITIAL DISCLOSURES**



**EXHIBIT
05**

PUBLIC

EXHIBIT 6

PUBLIC**EXHIBIT**
06**UNITED STATES OF AMERICA**
BEFORE THE FEDERAL TRADE COMMISSION**In the matter of****H&R BLOCK INC.,**
a corporation,**HRB DIGITAL LLC,**
a limited liability company, and**HRB TAX GROUP, INC.,**
a corporation.**DOCKET NO. 9427****RESPONDENTS' PRELIMINARY FACT WITNESS LIST**

Pursuant to the Administrative Law Judge's Scheduling Order, dated March 22, 2024, H&R Block, Inc., HRB Digital LLC, and HRB Tax Group, Inc. ("Respondents") hereby provide their Preliminary Fact Witness List to Complaint Counsel. This list identifies the fact witnesses who may testify for Respondents at the hearing in this action by deposition transcript, declaration, or orally by live witness.¹ It does not identify expert or rebuttal witnesses, whom Respondents will identify later in compliance with the Scheduling Order.

The information disclosed herein is based upon information reasonably available to Respondents at present. Discovery is ongoing and likely will have an impact on Respondents' final proposed witness list. Subject to the limitations in the Scheduling Order entered in this action, Respondents reserve the right:

- A. To supplement this list in light of the fact that discovery in this matter is ongoing;
- B. To present testimony by deposition transcript, declaration, or orally by live witness, from any other person that Complaint Counsel identify as a potential witness in this action;

¹ This list contemplates later supplementation and refinement as fact discovery continues in this matter.

PUBLIC

C. For any individual listed below as being associated with a corporation, government agency, or other non-party entity, to substitute a witness designated by the associated non-party entity in response to any subpoena that has been or may be issued by Complaint Counsel or Respondents to that non-party entity in this action;

D. To present testimony by deposition transcript, declaration, or orally by live witness, from the custodian of records of any non-party from which documents or records have been or will be obtained in this action, including, but not limited to, the non-parties listed below, to the extent necessary for the admission of documents or deposition or investigational hearing testimony into evidence in the event that a stipulation cannot be reached concerning the admissibility of such documents or testimony;

E. To present testimony by deposition transcript, declaration, or orally by live witness, from any witnesses to rebut the testimony of witnesses proffered by Complaint Counsel;

F. Not to present testimony by deposition transcript, declaration, or orally by live witness, from any of the witnesses listed below;

G. To supplement this Preliminary Fact Witness List if additional information becomes available through discovery or otherwise, and pursuant to the Scheduling Order;

H. To call any of these or any unnamed witnesses for rebuttal or impeachment testimony or as summary witnesses who may testify regarding the foundation for any summary exhibits Respondents' counsel determines to use at trial.

Subject to these reservations of rights, Respondents' preliminary list of witnesses is as follows:

I. Current and Former H&R Block Employees

1. Anthony Abraham
2. Kelly Adrian
3. Regina Akers
4. Matthew Arnold
5. Sandee Astrachan
6. Stacey Barker

PUBLIC

7. Adam Bakow
8. Toni Berquist
9. Brent Boydston
10. Matthew Bright
11. Timothy Brownfield
12. Scott Buchbinder
13. Frank Childress
14. Andrew Clark
15. Amy Clark
16. Alice Colarusso
17. Kathy Collins
18. Jill Cress
19. Pierson Curtis
20. Bruce Daise
21. Tom Davis
22. Manuel Dominguez
23. Kyle Donaldson
24. Lauren Dovner
25. Angela Drake
26. Ashley Dunham
27. Ted Ehler
28. Wendy Fitch
29. Joseph Gabriel
30. Renee Gibson
31. Kristen Harris
32. Robert Horrobin
33. Amy Hu
34. Jeremiah Isaacson
35. Angela Jones
36. Vanessa Jupe

PUBLIC

37. Susan Kelly
38. Christopher Kennedy
39. Chris Linderwell
40. Rachael Logan
41. Quintina Majors
42. Joseph McCabe
43. Ken Meade
44. Angela Melka
45. Adam Newkirk
46. Sara Newkirk
47. Shilpi Pathak
48. Patrick Perl
49. Brad Petersen
50. Andrew Phillips
51. Katherine Pickering
52. Susan Preziosa
53. William Purcell
54. Kelli Ramey
55. Matthew Rawson
56. Lynn Reddick
57. Eric Roebuck
58. Tanisha Robertson
59. Kathryn Salek
60. Kelsy Saulsbury
61. Eric Scheller
62. Valerie Schuessler
63. Laura Scobie
64. Alireza Shahkarami
65. Susana Shanahan
66. Josh Stuart

67. Bryan Stephens
68. Daniel Swint
69. Ryan Vicary
70. Vinoo Vijay
71. Joe Voss
72. Steven Ward
73. Heather Watts

II. Other Individuals and Organizations

1. Carmichael Lynch, Inc.
2. Chemistry Communications, Inc.
3. Deutsch L.A., Inc.
4. Fallon Worldwide
5. Gale Partners LLC
6. The Ogilvy Group, LLC
7. OMD USA, LLC
8. SapientRazorfish
9. Spark Foundry
10. VaynerMedia, LLC
11. The Nielsen Company (US), LLC
12. The Morning Consult, LLC
13. Lillian Worth
14. Jeffrey Tunkey
15. Brett McGinnis
16. The Internal Revenue Service
17. The MITRE Corporation

III. The FTC

1. Diana Schiller
2. Any undisclosed officers, directors, employees, staff members, and/or agents of the FTC who have had any role in the investigation of Respondents, this Administrative Action or the allegations in the Complaint.
3. Any experts or consultants who, on the FTC's behalf, have previously conducted

PUBLIC

or provided any report, research, evaluation, survey, or study relating to the do-it-yourself tax preparation industry.

Dated: May 8, 2024

Respectfully submitted,

By: /s/ Antonio F. Dias

Hashim M. Mooppan
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Telephone: (202) 879-3744
hmmooppan@jonesday.com

Antonio F. Dias
JONES DAY
600 Brickell Avenue, Suite 3300
Miami, FL 33131
Telephone: (305) 714-9800
afdias@jonesday.com

Erika Whyte
JONES DAY
600 Brickell Avenue, Suite 3300
Miami, FL 33131
Telephone: (305) 714-9811
ewhyte@jonesday.com

Carol A. Hogan
JONES DAY
110 North Wacker Drive Suite 4800
Chicago, IL 60606
Telephone: (312) 269-4241
chogan@jonesday.com

Courtney Lyons Snyder
JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, PA 15219-2514
Telephone: (412) 394-7910
clsnyder@jonesday.com

Counsel for the Respondents H&R Block, Inc., HRB Digital LLC, & HRB Tax Group, Inc.

PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2024, I caused the foregoing document, Respondents' Preliminary Fact Witness List, to be served via email on:

Claire Wack
Federal Trade Commission
600 Pennsylvania Avenue,
NW Washington, DC 20580
cwack@ftc.gov

Simon Barth
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
sbarth@ftc.gov

Christopher E. Brown
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
cbrown3@ftc.gov

Joshua A. Doan
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
jdoan@ftc.gov

Counsel for the Federal Trade Commission

/s/ Erika Whyte
Erika Whyte

PUBLIC

EXHIBIT 7

PUBLIC

**EXHIBIT
07**

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the matter of

H&R BLOCK INC.,
a corporation,

HRB DIGITAL LLC,
a limited liability company, and

HRB TAX GROUP, INC.,
a corporation.

DOCKET NO. 9427

RESPONDENTS' SUPPLEMENTED PRELIMINARY FACT WITNESS LIST

Pursuant to the Administrative Law Judge's Scheduling Order, dated March 22, 2024, H&R Block, Inc., HRB Digital LLC, and HRB Tax Group, Inc. ("Respondents") hereby provide this Supplemented Preliminary Fact Witness List to Complaint Counsel. This list identifies the fact witnesses who may testify for Respondents at the hearing in this action by deposition transcript, declaration, or orally by live witness.¹ It does not identify expert or rebuttal witnesses, whom Respondents will identify later in compliance with the Scheduling Order.

The information disclosed herein is based upon information reasonably available to Respondents at present. Discovery is ongoing and likely will have an impact on Respondents' final proposed witness list. Subject to the limitations in the Scheduling Order entered in this action, Respondents reserve the right:

- A. To supplement this list in light of the fact that discovery in this matter is ongoing;
- B. To present testimony by deposition transcript, declaration, or orally by live witness, from any other person that Complaint Counsel identify as a potential witness in this action;

¹ This list contemplates later supplementation and refinement as fact discovery continues in this matter.

PUBLIC

C. For any individual listed below as being associated with a corporation, government agency, or other non-party entity, to substitute a witness designated by the associated non-party entity in response to any subpoena that has been or may be issued by Complaint Counsel or Respondents to that non-party entity in this action;

D. To present testimony by deposition transcript, declaration, or orally by live witness, from the custodian of records of any non-party from which documents or records have been or will be obtained in this action, including, but not limited to, the non-parties listed below, to the extent necessary for the admission of documents or deposition or investigational hearing testimony into evidence in the event that a stipulation cannot be reached concerning the admissibility of such documents or testimony;

E. To present testimony by deposition transcript, declaration, or orally by live witness, from any witnesses to rebut the testimony of witnesses proffered by Complaint Counsel;

F. Not to present testimony by deposition transcript, declaration, or orally by live witness, from any of the witnesses listed below;

G. To supplement this Preliminary Fact Witness List if additional information becomes available through discovery or otherwise, and pursuant to the Scheduling Order;

H. To call any of these or any unnamed witnesses for rebuttal or impeachment testimony or as summary witnesses who may testify regarding the foundation for any summary exhibits Respondents' counsel determines to use at trial.

Subject to these reservations of rights, Respondents' preliminary list of witnesses is as follows:

I. Current and Former H&R Block Employees

1. Anthony Abraham
2. Kelly Adrian
3. Regina Akers
4. Rita Arens
5. Matthew Arnold
6. Sandee Astrachan

PUBLIC

7. Stacey Barker
8. Adam Bakow
9. Toni Bergquist
10. Brent Boydston
11. Matthew Bright
12. Timothy Brownfield
13. Scott Buchbinder
14. Frank Childress
15. Andrew Clark
16. Amy Clark
17. Christopher Coit
18. Alice Colarusso
19. Kathy Collins
20. Jill Cress
21. Pierson Curtis
22. Bruce Daise
23. Tom Davis
24. Manuel Dominguez
25. Kyle Donaldson
26. Lauren Dovner
27. Angela Drake
28. Ashley Dunham
29. Ted Ehler
30. Wendy Fitch
31. Joseph Gabriel
32. Renee Gibson
33. Kristen Harris
34. Cameron Holbrook
35. Robert Horrobin
36. Amy Hu

PUBLIC

37. Jeremiah Isaacson
38. Zerlina Jackson
39. Angela Jones
40. Vanessa Jupe
41. Susan Kelly
42. Christopher Kennedy
43. Chris Linderwell
44. Rachael Logan
45. David Longnecker
46. Quintina Majors
47. Joseph McCabe
48. Ken Meade
49. Angela Melka
50. Brandilyn Michel
51. Stephanie Miller
52. Adam Newkirk
53. Sara Newkirk
54. Tom Nolan
55. Erin Nyquist
56. Shilpi Pathak
57. Patrick Perl
58. Brad Petersen
59. Andrew Phillips
60. Katherine Pickering
61. Susan Preziosa
62. William Purcell
63. Kelli Ramey
64. Matthew Rawson
65. Lynn Reddick
66. Eric Roebuck

PUBLIC

67. Tanisha Robertson
68. Kimberly Salazar
69. Kathryn Salek
70. Kelsy Saulsbury
71. Eric Scheller
72. Valerie Schuessler
73. Laura Scobie
74. Alireza Shahkarami
75. Susana Shanahan
76. Josh Shuart
77. Michael Slack
78. Julie Sforza Smith
79. Bryan Stephens
80. Kelcy Stuckey
81. William Sullivan
82. Daniel Swint
83. Jody Vanarsdale
84. Ryan Vicary
85. Vinoo Vijay
86. Joe Voss
87. Michael Wall
88. Steven Ward
89. Heather Watts

II. Other Individuals and Organizations

1. Carmichael Lynch, Inc.
2. Chemistry Communications, Inc.
3. Deutsch L.A., Inc.
4. Fallon Worldwide
5. Gale Partners LLC
6. The Ogilvy Group, LLC

PUBLIC

7. OMD USA, LLC
8. SapientRazorfish
9. Spark Foundry
10. VaynerMedia, LLC
11. The Nielsen Company (US), LLC
12. The Morning Consult, LLC
13. Lillian Worth
14. Jeffrey Tunkey
15. Brett McGinnis
16. The Internal Revenue Service
17. The MITRE Corporation

III. The FTC

1. Diana Schiller
2. Any undisclosed officers, directors, employees, staff members, and/or agents of the FTC who have had any role in the investigation of Respondents, this Administrative Action or the allegations in the Complaint.
3. Any experts or consultants who, on the FTC's behalf, have previously conducted or provided any report, research, evaluation, survey, or study relating to the do-it-yourself tax preparation industry.

PUBLIC

Dated: May 24, 2024

Respectfully submitted,

By: /s/ Antonio F. Dias

Hashim M. Mooppan
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Telephone: (202) 879-3744
hmmooppan@jonesday.com

Antonio F. Dias
JONES DAY
600 Brickell Avenue, Suite 3300
Miami, FL 33131
Telephone: (305) 714-9800
afdias@jonesday.com

Erika Whyte
JONES DAY
600 Brickell Avenue, Suite 3300
Miami, FL 33131
Telephone: (305) 714-9811
ewhyte@jonesday.com

Carol A. Hogan
JONES DAY
110 North Wacker Drive Suite 4800
Chicago, IL 60606
Telephone: (312) 269-4241
chogan@jonesday.com

Courtney Lyons Snyder
JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, PA 15219-2514
Telephone: (412) 394-7910
clsnyder@jonesday.com

Counsel for the Respondents H&R Block, Inc., HRB Digital LLC, & HRB Tax Group, Inc.

PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2024, I caused the foregoing document, Respondents' Preliminary Fact Witness List, to be served via email on:

Claire Wack
Federal Trade Commission
600 Pennsylvania Avenue,
NW Washington, DC 20580
cwack@ftc.gov

Simon Barth
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
sbarth@ftc.gov

Christopher E. Brown
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
cbrown3@ftc.gov

Joshua A. Doan
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
jdoan@ftc.gov

Counsel for the Federal Trade Commission

/s/ Erika Whyte
Erika Whyte

PUBLIC

EXHIBIT 8

PUBLIC**EXHIBIT
08**

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the matter of

H&R BLOCK INC.,
a corporation,

HRB DIGITAL LLC,
a limited liability company, and

HRB TAX GROUP, INC.,
a corporation.

DOCKET NO. 9427

RESPONDENTS' SECOND SUPPLEMENTED PRELIMINARY FACT WITNESS LIST

Pursuant to the Administrative Law Judge's Scheduling Order, dated March 22, 2024, H&R Block, Inc., HRB Digital LLC, and HRB Tax Group, Inc. ("Respondents") hereby provide this Second Supplemented Preliminary Fact Witness List to Complaint Counsel. This list identifies the fact witnesses who may testify for Respondents at the hearing in this action by deposition transcript, declaration, or orally by live witness.¹ It does not identify expert or rebuttal witnesses, whom Respondents will identify later in compliance with the Scheduling Order.

The information disclosed herein is based upon information reasonably available to Respondents at present. Discovery is ongoing and likely will have an impact on Respondents' final proposed witness list. Subject to the limitations in the Scheduling Order entered in this action, Respondents reserve the right:

- A. To supplement this list in light of the fact that discovery in this matter is ongoing;
- B. To present testimony by deposition transcript, declaration, or orally by live witness, from any other person that Complaint Counsel identify as a potential witness in this action;

¹ This list contemplates later supplementation and refinement as fact discovery continues in this matter.

PUBLIC

C. For any individual listed below as being associated with a corporation, government agency, or other non-party entity, to substitute a witness designated by the associated non-party entity in response to any subpoena that has been or may be issued by Complaint Counsel or Respondents to that non-party entity in this action;

D. To present testimony by deposition transcript, declaration, or orally by live witness, from the custodian of records of any non-party from which documents or records have been or will be obtained in this action, including, but not limited to, the non-parties listed below, to the extent necessary for the admission of documents or deposition or investigational hearing testimony into evidence in the event that a stipulation cannot be reached concerning the admissibility of such documents or testimony;

E. To present testimony by deposition transcript, declaration, or orally by live witness, from any witnesses to rebut the testimony of witnesses proffered by Complaint Counsel;

F. Not to present testimony by deposition transcript, declaration, or orally by live witness, from any of the witnesses listed below;

G. To supplement this Preliminary Fact Witness List if additional information becomes available through discovery or otherwise, and pursuant to the Scheduling Order;

H. To call any of these or any unnamed witnesses for rebuttal or impeachment testimony or as summary witnesses who may testify regarding the foundation for any summary exhibits Respondents' counsel determines to use at trial.

Subject to these reservations of rights, Respondents' preliminary list of witnesses is as follows:

I. Current and Former H&R Block Employees

1. Anthony Abraham
2. Kelly Adrian
3. Regina Akers
4. Rita Arens
5. Matthew Arnold
6. Sandee Astrachan

PUBLIC

7. Stacey Barker
8. Adam Bakow
9. Toni Bergquist
10. Brent Boydston
11. Matthew Bright
12. Timothy Brownfield
13. Scott Buchbinder
14. Frank Childress
15. Andrew Clark
16. Amy Clark
17. Christopher Coit
18. Alice Colarusso
19. Kathy Collins
20. Jill Cress
21. Pierson Curtis
22. Bruce Daise
23. Tom Davis
24. Manuel Dominguez
25. Kyle Donaldson
26. Lauren Dovner
27. Angela Drake
28. Ashley Dunham
29. Ted Ehler
30. Wendy Fitch
31. Joseph Gabriel
32. Renee Gibson
33. Kristen Harris
34. Cameron Holbrook
35. Robert Horrobin
36. Amy Hu

PUBLIC

37. Jeremiah Isaacson
38. Zerlina Jackson
39. Angela Jones
40. Vanessa Jupe
41. Vin Kamat
42. Susan Kelly
43. Christopher Kennedy
44. Chris Linderwell
45. Rachael Logan
46. David Longnecker
47. Quintina Majors
48. Joseph McCabe
49. Ken Meade
50. Angela Melka
51. Brandilyn Michel
52. Stephanie Miller
53. Adam Newkirk
54. Sara Newkirk
55. Tom Nolan
56. Erin Nyquist
57. Shilpi Pathak
58. Patrick Perl
59. Brad Petersen
60. Andrew Phillips
61. Katherine Pickering
62. Susan Preziosa
63. William Purcell
64. Kelli Ramey
65. Matthew Rawson
66. Lynn Reddick

PUBLIC

67. Eric Roebuck
68. Tanisha Robertson
69. Kimberly Salazar
70. Kathryn Salek
71. Kelsy Saulsbury
72. Eric Scheller
73. Valerie Schuessler
74. Laura Scobie
75. Alireza Shahkarami
76. Susana Shanahan
77. Josh Shuart
78. Michael Slack
79. Julie Sforza Smith
80. Bryan Stephens
81. Kelcy Stuckey
82. William Sullivan
83. Daniel Swint
84. Jody Vanarsdale
85. Ryan Vicary
86. Vinoo Vijay
87. Joe Voss
88. Michael Wall
89. Steven Ward
90. Heather Watts

II. Other Individuals and Organizations

1. Carmichael Lynch, Inc.
2. Chemistry Communications, Inc.
3. Deutsch L.A., Inc.
4. Fallon Worldwide
5. Gale Partners LLC

PUBLIC

6. The Ogilvy Group, LLC
7. OMD USA, LLC
8. SapientRazorfish
9. Spark Foundry
10. VaynerMedia, LLC
11. The Nielsen Company (US), LLC
12. The Morning Consult, LLC
13. Lillian Worth
14. Jeffrey Tunkey
15. Brett McGinnis
16. The Internal Revenue Service
17. The MITRE Corporation

III. The FTC

1. Diana Schiller
2. Any undisclosed officers, directors, employees, staff members, and/or agents of the FTC who have had any role in the investigation of Respondents, this Administrative Action or the allegations in the Complaint.
3. Any experts or consultants who, on the FTC's behalf, have previously conducted or provided any report, research, evaluation, survey, or study relating to the do-it-yourself tax preparation industry.

PUBLIC

Dated: July 30, 2024

Respectfully submitted,

By: /s/ Antonio F. Dias

Hashim M. Mooppan
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Telephone: (202) 879-3744
hmmooppan@jonesday.com

Antonio F. Dias
JONES DAY
600 Brickell Avenue, Suite 3300
Miami, FL 33131
Telephone: (305) 714-9800
afdias@jonesday.com

Erika Whyte
JONES DAY
600 Brickell Avenue, Suite 3300
Miami, FL 33131
Telephone: (305) 714-9811
ewhyte@jonesday.com

Carol A. Hogan
JONES DAY
110 North Wacker Drive Suite 4800
Chicago, IL 60606
Telephone: (312) 269-4241
chogan@jonesday.com

Courtney Lyons Snyder
JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, PA 15219-2514
Telephone: (412) 394-7910
clsnyder@jonesday.com

Counsel for the Respondents H&R Block, Inc., HRB Digital LLC, & HRB Tax Group, Inc.

PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2024, I caused the foregoing document to be served via email on:

Claire Wack
Federal Trade Commission
600 Pennsylvania Avenue,
NW Washington, DC 20580
cwack@ftc.gov

Simon Barth
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
sbarth@ftc.gov

Christopher E. Brown
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
cbrown3@ftc.gov

Joshua A. Doan
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
jdoan@ftc.gov

Counsel for the Federal Trade Commission

/s/ Erika Whyte
Erika Whyte

PUBLIC

EXHIBIT 9

PUBLIC**EXHIBIT
09**

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the matter of

H&R BLOCK INC.,
a corporation,

HRB DIGITAL LLC,
a limited liability company, and

HRB TAX GROUP, INC.,
a corporation.

DOCKET NO. 9427

**COMPLAINT COUNSEL'S FIRST SET OF INTERROGATORIES
TO RESPONDENTS**

Pursuant to Rule 3.35 of the Federal Trade Commission's Rules of Practice for Adjudicative Proceedings and the Scheduling Order, Complaint Counsel requests that Respondents H&R Block, Inc., HRB Digital LLC, and HRB Tax Group, Inc., ("H&R Block") respond to these Interrogatories within 30 days and furnish the requested information to Complaint Counsel via email to Claire Wack (cwack@ftc.gov), Christopher E. Brown (cbrown3@ftc.gov), Simon Barth (sbarth@ftc.gov), and Joshua A. Doan (jdoan@ftc.gov) or at such time and place as may be agreed upon by all counsel.

INSTRUCTIONS

1. Unless otherwise specified, the time period covered by an Interrogatory shall be from Tax Season 2018 through the date of Your completion of these Interrogatories.

2. Included as Attachment A to this set of Interrogatories is a Template for Responses to Complaint Counsel's First Interrogatory ("Template"), which illustrates the manner in which You should provide Your sworn responses to Interrogatory 1. As demonstrated in the Template, each row should contain responses for one person in one Tax Season. For each subpart, the Template includes two example responses for two different hypothetical people who used a Paid Commercial Tax Product to file their tax returns.

- a. The hypothetical individual whose example responses are shown in Row 2 began preparing their return in Free Online, upgraded to Deluxe, and then filed their return on March 28, 2024. While preparing their tax return, they used live chat technical support. They paid \$100 to file their federal and state

PUBLIC

tax returns. They did not downgrade at any point while preparing the tax return. Based on the forms attached to their federal tax return at the time of filing, and their use of an Add-on Feature, the least expensive product they could have used to file was Plus.

- b. The hypothetical individual whose responses are shown in Row 3 began preparing their return in Self-Employed, but ultimately filed in Deluxe on March 9, 2023. They did not use any Add-on Features. They paid \$109 for their federal and state tax returns. They spent 75 minutes working in Self-Employed before contacting customer service to downgrade, which took 15 minutes. Based on the forms attached to their federal tax return at the time of filing, the least expensive product they could have used to file was Deluxe.
3. Interrogatory 2 should be set forth in full preceding the answer to it and should be answered fully in writing, under oath.
4. All answers shall be served within 30 days after service of these Interrogatories.
5. These Interrogatories seek information that is in Your knowledge or possession or under Your actual or constructive custody or control, whether or not such information is located in the files of or possessed by Your individual officers, directors or employees, and whether or not such information is received from or disseminated to any other person or entity including attorneys, accountants, directors, officers, employees, independent contractors, or volunteers.
6. To the extent that an Interrogatory may be answered by referencing a document, it is permissible to attach the document as an exhibit to the answer and refer to the document in the answer.
7. Where an Interrogatory requests an answer or portion of an answer that already has been supplied in response to another Interrogatory, the answer or portion of the answer need not be supplied a second time. It is sufficient to specify the responses that contain the answer and supply any additional information necessary to answer the Interrogatory.
8. All objections to any Interrogatory must be raised in your initial response and are otherwise waived.
9. If you object to any Interrogatory or a part of any Interrogatory, state the Interrogatory or part to which you object, state the exact nature of the objection, and describe in detail the facts upon which you base your objection. If any Interrogatory cannot be answered in full, it shall be answered to the fullest extent possible and the reasons for the inability to answer fully shall be provided. If you object to any Interrogatory on the grounds of relevance or overbreadth, you shall provide all responsive information that is concededly relevant to the parties' claims or defenses or the requested relief. For each Interrogatory that cannot be answered in full, you shall describe the efforts made to locate information needed for such answer.

PUBLIC

10. If any Documents are not identified in response to an Interrogatory on grounds of privilege, submit together with such claim a schedule of the items withheld which states individually for each item withheld: (a) the nature of the Document; (b) the Identity of the Person who created the Document; (c) the Identity of the Person to whom the Document was directed; (d) the subject matter of the Document; (e) the date of the Document; (f) the Identity of all Parties who executed the Document; (g) the nature of the privilege which You claim; and (h) the custodian of the Document.

11. You are hereby advised that Complaint Counsel will move, if any party files any dispositive motion or at the commencement of trial, to preclude you from presenting evidence regarding responsive matters you have failed to set forth in your answers to these Interrogatories.

DEFINITIONS

Notwithstanding any definition below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Federal Trade Commission's Rules of Practice.

1. **"Add-on Feature"** means a benefit that is available to consumers who file their taxes using Paid Commercial Tax Products but not Free Online, including, for example, live expert help, AI Tax Assist, organization of tax documents for a period of time, or live phone or chat tech support. Add-on Features do not include any tax form, schedule, or worksheet.

2. **"Any"** shall be construed to include the word **"all,"** and the word **"all"** shall be construed to include the word **"any."**

3. **"Company," "You," or "Your"** means **H&R Block Inc., HRB Digital LLC,** and/or **HRB Tax Group, Inc.,** and their wholly or partially owned subsidiaries, unincorporated divisions, joint ventures, operations under assumed names, and affiliates, and all directors, officers, members, employees, agents, consultants, and other persons working for or on behalf of the foregoing.

4. **"Document"** or **"Documents"** are synonymous in meaning and equal in scope to the usage of the terms as defined by 16 C.F.R. 3.34(b), and includes, without limitation, the complete original and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any written, typed, printed, transcribed, filmed, punched, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated or made, including, but not limited to, any advertisement, book, pamphlet, periodical, contract, correspondence, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, journal, agenda, minute, code book, or label. **"Document"** shall also include electronically stored information (**"ESI"**). ESI means the complete original and any nonidentical copy

PUBLIC

(whether different from the original because of notations, different metadata, or otherwise), regardless of origin or location, of any electronically created or stored information, including, but not limited to, electronic mail, instant messaging, videoconferencing, and other electronic correspondence (whether active, archived, or in a deleted items folder), word processing files, spreadsheets, databases, and sound recordings, whether stored on cards, magnetic or electronic tapes, disks, computer files, computer or other drives, cell phones, smart phones, or other storage media, and such technical assistance or instructions as will enable conversion of such ESI into a reasonably usable form.

5. **“Downgrade”** or **“Downgrading”** means moving from a Paid Commercial Tax Product to a less expensive Paid Commercial Tax Product or Free Online.

6. **“DIY Online Product”** means any do-it-yourself online tax preparation products offered by the Company that allow consumers to prepare and file federal tax returns, state tax returns, or both, by themselves, including Free Online and Paid Commercial Tax Products.

7. **“Each”** shall be construed to include **“every,”** and **“every”** shall be construed to include **“each.”**

8. **“Free Online”** means any DIY Online Product that a consumer pays nothing to prepare and file federal and/or state tax returns.

9. **“Identify”** with respect to documents means to provide the date, type (i.e., email, paper copy), summary of its substance, size in bytes, number of pages, and location of documents. Documents should be identified even if they are no longer in your possession, custody or control. **“Identify”** with respect to individuals or witnesses means (a) natural persons by name, title, present business affiliation, present business address, and telephone number, or, if a present business affiliation or present business address is not known, the last known business and home addresses; and (b) businesses or other organizations by name, address, identities of persons who are officers, directors, and managers of the business or organization, and contact person with telephone number.

10. **“Paid Commercial Tax Product”** means any DIY Online Product that charges a fee to complete and file a federal and/or state tax return.

11. **“Person”** or **“Persons”** means all natural persons, corporations, partnerships or other business associations, and all other legal entities, including all members, officers, predecessors, assigns, divisions, affiliates, and subsidiaries.

12. **“Tax Season”** means the period during which consumers file their tax returns for the prior calendar year. For example, consumers file their 2016 tax returns in Tax Season 2017.

PUBLIC

INTERROGATORIES

1. For each person in each Tax Season who began preparing a tax return using a DIY Online Product, state:

- a. The date on which the person filed their tax return(s), or, if the person abandoned the use of the Company's DIY Online Product before filing, the last date on which the person interacted with a DIY Online Product during that Tax Season;
- b. The name of the DIY Online Product in which the person began preparing the tax return(s);
- c. The name of the DIY Online Product in which the person filed; otherwise, state that the person did not file using a DIY Online Product;
- d. The name of all Add-on Features the person actually used, if any;
- e. The total amount the person paid to file the tax return(s) less refunds;
- f. The total number of minutes the person spent in the Paid Commercial Tax Product before Downgrading;
- g. The total number of minutes the consumer spent interacting with customer service either via phone (including IVR) or chat, including time spent waiting on hold or waiting for an agent to connect to a chat preceding any Downgrade(s); and
- h. The name of the least expensive DIY Online Product the person could have used to file their return that Tax Season, based on the federal tax forms, schedules, and worksheets actually attached to the filing at the time of payment and filing of the tax return(s) and their use of any Add-on Features (e.g., "Plus," if the consumer used only forms available in Free Online but also used an Add-on Feature).

2. Identify and describe in detail any demographic data – including but not limited to age, gender, and state of residence – regarding customers who filed their taxes using the DIY Online Products for each DIY Online Product that was used (e.g., Free Online, Plus, Deluxe, Premium, Self-Employed).

Dated: April 4, 2024

Respectfully submitted,

/s/ Simon Barth

Claire Wack, MD Bar No. 1312190275

Simon Barth, MA Bar No. 706122

Christopher E. Brown, VA Bar No. 72765

PUBLIC

Joshua A. Doan, DC Bar No. 490879
Federal Trade Commission
600 Pennsylvania Ave., NW, CC-6316
Washington, DC 20580
(202) 326-2836 / cwack@ftc.gov
(202) 326-3317 / sbarth@ftc.gov
(202) 326-2825 / cbrown3@ftc.gov
(202) 326-3187 / jdoan@ftc.gov

Counsel Supporting the Complaint
Federal Trade Commission

PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that on 4 April 2024, I caused the foregoing document, Complaint Counsel's First Set of Interrogatories to Respondents, to be served via email on:

Antonio F. Dias
Jones Day
600 Brickell Avenue
Suite 3300
Miami, FL 33131
afdias@jonesday.com

Courtney L. Snyder
Jones Day
500 Grant Street
Suite 4500
Pittsburgh, PA 15219
clsnyder@jonesday.com

Erika Whyte
Jones Day
600 Brickell Avenue
Suite 3300
Miami, FL 33131
ewhyte@jonesday.com

Carol A. Hogan
Jones Day
110 North Wacker Drive
Suite 4800
Chicago, IL 60606
chogan@jonesday.com

Hashim M. Mooppan
Jones Day
51 Louisiana Avenue NW
Washington, DC 20001
hmmooppan@jonesday.com

*Attorneys for Respondents, H&R Block, Inc.
HRB Digital LLC, and HRB Tax Group, Inc.*

/s/ Simon Barth
Simon Barth

PUBLIC

EXHIBIT 10

EXHIBIT
10

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the matter of

H&R BLOCK INC.,
a corporation,

HRB DIGITAL LLC,
a limited liability company, and

HRB TAX GROUP, INC.,
a corporation.

DOCKET NO. 9427

**RESPONDENTS H&R BLOCK, INC., HRB DIGITAL LLC, AND HRB TAX GROUP, INC.'S SECOND SUPPLEMENTAL RESPONSES AND OBJECTIONS TO
FIRST SET OF INTERROGATORIES**



PUBLIC

EXHIBIT 11

EXHIBIT

11

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the matter of

H&R BLOCK INC.,

a corporation,

HRB DIGITAL LLC,

a limited liability company, and

HRB TAX GROUP, INC.,

a corporation.

DOCKET NO. 9427

**RESPONDENTS H&R BLOCK, INC., HRB DIGITAL LLC, AND HRB TAX GROUP, INC.'S
RESPONSES AND OBJECTIONS TO THIRD SET OF REQUESTS FOR PRODUCTION**

