

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

**In the Matter of:**

**Intuit Inc.**, a corporation.

**Docket No. 9408**

**RESPONDENT INTUIT INC.'S RESPONSE TO VALERIE JOSHI'S MOTION TO  
QUASH AND/OR LIMIT SUBPOENA DUCES TECUM**

Respondent Intuit Inc. submits this response to Valerie Joshi's motion to quash and/or limit subpoena duces tecum. As explained below, Intuit withdrew the subpoena issued to Ms. Joshi after she represented that her complaint concerning Intuit filed with the Tennessee Attorney General, the subject of the subpoena, was "unrelated to this case." The motion should therefore be withdrawn or denied as moot.

In their initial disclosures, Complaint Counsel identified Ms. Joshi as a consumer likely to have discoverable information relevant to this proceeding. Specifically, Complaint Counsel have maintained that Ms. Joshi's complaint that mentioned TurboTax and was submitted to the Attorney General of Tennessee on May 10, 2022, was relevant to this proceeding. Accordingly, on October 14, 2022, Intuit served Valerie Joshi with a Subpoena Duces Tecum that requested documents related to the complaint she filed.

On October 24, 2022, Ms. Joshi filed a motion to quash and/or limit the subpoena duces tecum, stating that Intuit's request was "not likely to lead to probative evidence in this case" as Ms. Joshi's complaint filed with the Attorney General of Tennessee was "unrelated to this case." Intuit agrees that Ms. Joshi's complaint is unrelated to this case. Thus, on October 26, 2022, Intuit communicated to Ms. Joshi that it planned to withdraw the subpoena issued to her. Ex. A,

Oct. 25-26, 2022 Emails Between Phoebe Silos and Valerie Joshi. In response, Ms. Joshi indicated that she planned to withdraw her motion to quash. *Id.* On October 31, 2022, counsel for Intuit emailed Ms. Joshi, copying Complaint Counsel, confirming that the subpoena issued to her was formally withdrawn. Ex. C., Oct. 31, 2022 Email from Phoebe Silos to Valerie Joshi and Roberto Anguizola. Inexplicably, Complaint Counsel have not withdrawn her complaint from these proceedings, previously insisting with a similarly situated unrelated complaint that it was somehow relevant to the upcoming trial. Ex. B, Oct. 21 Email from R. Anguizola to [REDACTED] [REDACTED] Nonetheless, Intuit sees no reason to burden Ms. Joshi further since her complaint, like many of the others Complaint Counsel relies on in these proceedings, have nothing to do with the allegations in these proceedings. On November 2, 2022, Ms. Joshi emailed counsel for Intuit stating that she submitted a withdrawal of her motion to quash. Ex. D, Nov. 2, 2022 Email from Valerie Joshi to Phoebe Silos.

Because Ms. Joshi's complaint is not relevant to this proceeding, and because Intuit has withdrawn the subpoena issued to Ms. Joshi, the motion to quash and/or limit subpoena duces tecum should be withdrawn or denied as moot. *See Order Denying as Moot Complaint Counsel's Motion to Compel, In the Matter of Impax Laboratories, Inc., Docket No. 9373 (F.T.C. Aug. 7, 2017) (J. Chappell).*

Dated: November 3, 2022

Respectfully submitted,

By: /s/ David Z. Gringer

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*Attorneys for Respondent Intuit Inc.*

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

**In the Matter of:**

**Intuit Inc.**, a corporation.

**Docket No. 9408**

**DECLARATION OF DAVID GRINGER IN SUPPORT OF RESPONDENT INTUIT'S  
RESPONSE TO VALERIE JOSHI'S MOTION TO QUASH AND/OR LIMIT  
SUBPOENA DUCES TECUM**

I, David Gringer, declare as follows:

1. I am a partner at Wilmer Cutler Pickering Hale and Dorr LLP. I represent the respondent, Intuit Inc., in the above-captioned proceeding.
2. I submit this declaration in support of Respondent Intuit's Response to Valerie Joshi's Motion to Quash and/or Limit Subpoena Duces Tecum, filed herewith on November 3, 2022.
3. A true and correct copy of an October 26, 2022 email thread between Phoebe Silos, an attorney working under my direction and supervision at Wilmer Cutler Pickering Hale and Dorr LLP, and Valerie Joshi is attached to this declaration as Exhibit A.
4. A true and correct copy of an October 31, 2022 email sent by Phoebe Silos to Valerie Joshi, copying lead Complaint Counsel Roberto Anguizola, is attached to this declaration as Exhibit B.
5. A true and correct copy of an October 21, 2022 email thread between [REDACTED], Phoebe Silos, and Roberto Anguizola is attached to this declaration as Exhibit C.

6. A true and correct copy of a November 2, 2022 email sent by Valerie Joshi to Phoebe Silos is attached to this declaration as Exhibit D.

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

Executed on this 3rd day of November, 2022, in New York, NY.

By: /s/ David Gringer  
David Gringer

# **Exhibit A**

**Silos, Phoebe**

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**From:** Valerie Clark Joshi [REDACTED]  
**Sent:** Wednesday, October 26, 2022 11:25 AM  
**To:** Silos, Phoebe  
**Subject:** Re: In the Matter of Intuit Inc., Docket 9408 | Subpoena

**EXTERNAL SENDER**

Dear Ms. Silos,

Yes, if Intuit withdraws the subpoena, I will withdraw the motion to quash, if you will give me instructions on how to do that. Is an email to that effect sufficient?

Regards,  
Valerie Joshi

On Wed, Oct 26, 2022 at 8:32 AM Silos, Phoebe <[Phoebe.Silos@wilmerhale.com](mailto:Phoebe.Silos@wilmerhale.com)> wrote:

Dear Ms. Joshi,

We understand from your motion to quash that the complaint you lodged with the FTC “is unrelated to this case.” In light of this, Intuit plans to withdraw the subpoena that was served on you. Please confirm that you will withdraw your motion to quash once the subpoena is withdrawn by Intuit.

Sincerely,

Phoebe

**Phoebe Silos | WilmerHale**  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007 USA  
+1 212 230 8800 (t)  
+1 212 230 8888 (f)  
[phoebe.silos@wilmerhale.com](mailto:phoebe.silos@wilmerhale.com)

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FEDERAL TRADE COMMISSION | OFFICE OF THE SECRETARY | FILED 11/3/2022 | Document No. 606105 | PAGE Page 8 of 18 \* PUBLIC \*  
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## **Exhibit B**

**From:** [Silos, Phoebe](#)  
**To:** [Valerie Clark Joshi](#)  
**Cc:** [Anguizola, Roberto](#)  
**Subject:** In the Matter of Intuit Inc., Docket 9408 | Subpoena Withdrawn  
**Date:** Monday, October 31, 2022 5:14:14 PM

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Dear Ms. Joshi,

We understand from your motion to quash that the complaint you lodged with the FTC “is unrelated to this case.” In light of this, we expect that the FTC will not be relying on your complaint or testimony from you at the trial in this action. We have copied the FTC’s lead Complaint Counsel, Roberto Anguizola, to confirm this is the case.

In the meantime, Intuit hereby withdraws the subpoena. Please confirm that you intend to withdraw your motion to quash as the subpoena has been withdrawn by Intuit.

Thank you,  
Phoebe Silos

**Phoebe Silos | WilmerHale**

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New York, NY 10007 USA  
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[phoebe.silos@wilmerhale.com](mailto:phoebe.silos@wilmerhale.com)

**Please consider the environment before printing this email.**

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This email message and any attachments are being sent by Wilmer Cutler Pickering Hale and Dorr LLP, are confidential, and may be privileged. If you are not the intended recipient, please notify us immediately—by replying to this message or by sending an email to [postmaster@wilmerhale.com](mailto:postmaster@wilmerhale.com)—and destroy all copies of this message and any attachments. Thank you.

For more information about WilmerHale, please visit us at <http://www.wilmerhale.com>.

## **Exhibit C**

**From:** [Anguizola, Roberto](#)  
**To:** [REDACTED]  
**Cc:** [Woodman, Derek](#); [Sides, Emily](#); [Evans, James](#); [Plett, Rebecca](#); [Tonnesen, Sara](#); [Silos, Phoebe](#)  
**Subject:** RE: [REDACTED] - Subpoena Question  
**Date:** Friday, October 21, 2022 4:20:59 PM

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**EXTERNAL SENDER**

Dear [REDACTED],

We agree that it is appropriate for Intuit to withdraw its subpoena under the circumstances. I can also confirm that we do not expect to call you or your husband as a witness at trial.

We appreciate receiving the consumer complaint your husband submitted under your name and believe that it is relevant and will assist the trier of fact in this case as part of a compendium of complaints received through the FTC's Consumer Sentinel network from hundreds of similarly situated consumers. If you have any questions, please feel free to reach me. My contact information appears below.

Sincerely,

Roberto Anguizola  
Federal Trade Commission  
FTC BCP/DMP, CC-8602  
Org 1144, Mailstop CC-6316  
600 Pennsylvania Ave., NW  
Washington, DC 20580  
Cell: (202) 256-0452 (preferred)  
Telephone: (202) 326-3284  
E-mail: [ranguizola@ftc.gov](mailto:ranguizola@ftc.gov)

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**From:** Silos, Phoebe <[Phoebe.Silos@wilmerhale.com](mailto:Phoebe.Silos@wilmerhale.com)>  
**Sent:** Friday, October 21, 2022 3:29 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED] Woodman, Derek  
<[Derek.Woodman@wilmerhale.com](mailto:Derek.Woodman@wilmerhale.com)>; [Sides, Emily <Emily.Sides@wilmerhale.com>](mailto:Emily.Sides@wilmerhale.com); [Anguizola, Roberto <ranguizola@ftc.gov>](mailto:ranguizola@ftc.gov)  
**Subject:** RE: [REDACTED] - Subpoena Question

Dear [REDACTED],

We are emailing you at this email address because our system has been unable to deliver messages to the email you initially used to contact us: [REDACTED] Complaint Counsel for the FTC

listed you as a potential witness and an individual with discoverable information in this proceeding, which is what prompted Intuit's subpoena.

In light of your message below, we expect that the FTC will not be relying on your complaint or testimony from you at the trial in this action. We have copied the FTC's lead Complaint Counsel, Roberto Anguizola, to confirm this is the case. In the meantime, we withdraw the subpoena and you do not need to do anything to respond to it.

Thank you,

Phoebe

**Phoebe Silos | WilmerHale**

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+1 212 230 8888 (f)  
[phoebe.silos@wilmerhale.com](mailto:phoebe.silos@wilmerhale.com)

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**From:** [REDACTED]  
**Sent:** Wednesday, October 19, 2022 1:43 PM  
**To:** WH Intuit-FTC\_Consumer\_Depositions <WHIntuit-FTC\_Consumer\_Depositions@wilmerhale.com>  
**Cc:** [REDACTED]  
**Subject:** [REDACTED] - Subpoena Question

**EXTERNAL SENDER**

My question is the following: my husband filed the complaint under my name, with my permission, because i was listed first on our tax returns. I was not aware of and am still not aware of the complaint as written as my husband suffered a brain injury and has memory problems at times. So given this, would all parties involved, including myself, consider this subpoena to be lawfully or for any other reason, still be proper to be issued to me?

Thanks in advance, [REDACTED]

## **Exhibit D**

**From:** [Valerie Clark Joshi](#)  
**To:** [Silos, Phoebe](#)  
**Subject:** Withdrawal of Motion to Quash  
**Date:** Wednesday, November 2, 2022 1:43:19 PM

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**EXTERNAL SENDER**

Hello Phoebe,

I submitted the withdrawal of my motion to quash a few minutes ago through the FTC e-filing system and copied all the same people I had sent to motion to. I hope that takes care of the matter.

Regards,  
Valerie Joshi

**CERTIFICATE OF SERVICE**

I hereby certify that on November 3, 2022, I filed the foregoing document electronically using the FTC's E-Filing system, which will send notification of such filing to:

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

The Honorable D. Michael Chappell  
600 Pennsylvania Ave., NW, Rm. H-110  
Washington, DC 20580

I further certify that on November 3, 2022, I caused the foregoing document to be served via email to:

Roberto Anguizola  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
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Email: ranguizola@ftc.gov  
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Rebecca Plett  
Federal Trade Commission  
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*Counsel Supporting the Complaint*

Valerie C. Joshi  
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Crossville, TN 38555

*Non-Party Served Subpoena Duces Tecum*

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

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

Dated: November 3, 2022

Respectfully submitted,

/s/ Derek A. Woodman

DEREK A. WOODMAN

*Counsel for Intuit Inc.*

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

**In the Matter of:**

**Intuit Inc., a corporation.**

**Docket No. 9408**

**[PROPOSED] ORDER ON VALERIE JOSHI'S MOTION TO QUASH PURSUANT TO  
RULE 3.34**

Upon consideration of Valerie Joshi's Motion to Quash Pursuant to 16 C.F.R. § 3.34 and Rule 3.34(c) of the Rules of Practice for Adjudicative Proceedings

IT IS HEREBY ORDERED that Respondent's Motion is DENIED as moot.

ORDERED:

\_\_\_\_\_  
D. Michael Chappell  
Chief Administrative Law Judge

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