

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

In the Matter of

**HOMEADVISOR, INC., a corporation,
d/b/a ANGI LEADS,
d/b/a HOMEADVISOR POWERED BY ANGI.**

DOCKET NO. 9407

**COMPLAINT COUNSEL’S OPPOSITION TO
NON-PARTY TRIARES, INC.’S EMERGENCY PETITION TO STAY DEPOSITION
AND TO QUASH OR LIMIT SUBPOENA AD TESTIFICANDUM**

Triares, Inc. (“Triares”), brought its “emergency” motion to quash (“Motion”) twenty-four hours before a deposition it had known about—and had been trying to evade—since early July.¹ This untimely Motion relies on a nonexistent agreement: that Complaint Counsel agreed it would withdraw its deposition subpoena in exchange for a supplemental production. As Triares acknowledged in its own correspondence (*see* Motion Exhibit J), Complaint Counsel never made such an agreement and agreed only to consider the possibility of voluntary withdrawal if the production rendered the deposition unnecessary. After receiving a production that was not what Triares’ Counsel described and that contained documents that do not speak for themselves, Complaint Counsel determined in good faith that the deposition would go forward.

Triares’ unilateral assumption that the deposition would be cancelled should not permit it to dodge providing testimony on subjects that are highly relevant to the claims in this action, especially where the robust Protective Order governing this matter will shield Triares’ claimed

¹ Complaint Counsel convened the deposition September 1, 2022, without a deponent. Complaint Counsel reserved all rights on the record and considers the deposition to be pending.

trade secrets from disclosure. Triares' baseless and untimely Motion should be denied, and Triares should appear for deposition at a mutually agreeable date.

I. BACKGROUND

A. Complaint Counsel's Subpoenas, the First-Agreed Deposition Date, and Triares' Much-Delayed Initial Document Production

Triares sold consumer information to Respondent HomeAdvisor, Inc. ("HomeAdvisor"), which HomeAdvisor sold as "leads." Motion at 2. The Complaint alleges HomeAdvisor misrepresents characteristics of its leads, including those received from Triares. Compl. ¶¶ 61-63. On June 28, 2022, Complaint Counsel issued a Subpoena Duces Tecum ("Document Subpoena") and a Subpoena Ad Testificandum ("Deposition Subpoena") to Triares for information relating to the characteristics of leads it gathered and sold to HomeAdvisor. *See* PX01, attached to the accompanying Declaration of Mary Elizabeth Howe ("Howe Decl.").² Triares was required to produce documents on or before July 28, 2022, and sit for deposition on August 11, 2022. Triares' Motion concedes it was served with these subpoenas on or about July 7, 2022. Motion at 2.

To accommodate Triares' counsel's travel schedule, Complaint Counsel agreed that Triares would not be deemed out of compliance with either subpoena if it engaged in a meet-and-confer by August 1, 2022. PX02 p. 12. At an August 1, 2022 meet-and-confer, Triares' counsel stated a production responsive to the Document Subpoena would be forthcoming that day; however, Complaint Counsel received nothing. Howe Decl. ¶ 3.a.i. Complaint Counsel repeatedly followed up by email, PX02 pp. 5-9, and Triares' counsel responded with delays. PX03 p. 1; PX02 p. 6; PX04 p. 1.

² Exhibits to the Howe Decl. are referred to herein by their "PX" designation.

While production was pending, Triares' counsel emailed its availability for deposition on August 26, 2022, and later wrote that he "would like to discuss further whether [deposition] is even necessary once you have a chance to review what we provide." PX02 p. 6. On August 18, 2022—forty-two days after service—Triares produced *two* documents along with lengthy objections, many of which were not previously raised with Complaint Counsel. *See* PX05. Both documents produced appear to have originated from HomeAdvisor rather than Triares, *id.* pp. 16-62, and Triares objected in full to producing in response to four of the five document requests. On August 19, 2022, Complaint Counsel wrote to Triares' counsel that Triares' deposition would go forward as agreed on August 26, 2022. PX02 p.3.

B. Complaint Counsel's Agreement to Consider Voluntary Withdrawal of the Deposition Subpoena if Triares Made a Supplemental Document Production

Triares' counsel asked to confer again on August 22, 2022. PX02 pp. 1-2. On that call, Triares' counsel asked if Complaint Counsel would consider accepting an additional document production in lieu of taking Triares' deposition. Howe Decl. ¶ 3.b.ii. Complaint Counsel agreed to consider the possibility that a supplemental production might obviate the need for a deposition, but Complaint Counsel explained it could not consider withdrawing the deposition without seeing the production and could not guarantee would cancel the deposition even if Triares provided additional documents. *Id.* Complaint Counsel later memorialized this position via email. PX06 p. 17 (Aug. 24, 2022 Howe email); *see also* Motion Exhibit H. Complaint Counsel made clear the parameters for its agreement to consider voluntarily cancelling the deposition: (i) the deposition would be rescheduled to a date before the end of fact discovery to ensure it could go forward if necessary; (ii) Triares would execute two records certifications included with the Document Subpoena; and (iii) Triares would provide a concrete proposal for

the scope and timing of a supplemental production within 24 hours. *Id.* ¶ 3.b.iii. By subsequent email, Triares' deposition was rescheduled to September 1, 2022. PX06 p. 14.

Complaint Counsel never agreed during any of its conferrals with Triares' counsel or subsequent email correspondence that it would cancel Triares' deposition in exchange for an additional document production. *See* Howe Decl. ¶ 3; PX06; PX08.

C. Triares' Supplemental Document Productions and Failure to Appear at Deposition

Complaint Counsel and Triares' counsel further conferred on August 24, 2022, regarding the scope of Triares' proposed supplemental production, including that Triares was preparing to produce a "spreadsheet" of consumer data shared with HomeAdvisor. Howe Decl. ¶ 3.c.i. On August 26, 2022, Triares produced 11 additional documents and a supplemental written response. *Id.* ¶¶ 4.b., 5; PX07. Complaint Counsel confirmed by email with Triares' counsel that it had received the full scope of what Triares intended to produce. PX08 pp. 15-16.

The eleven documents produced consist of:

- i. One of the two records certifications Complaint Counsel requested, Howe Decl. ¶ 4.b.ix.;
- ii. Eight .pdf-format documents that appear to be image captures of the "submission form" portion of eight websites, none of which contain the date the webpage was captured or the websites' respective URLs, and one of does not indicate what website it is, *id.* ¶ 4.b.i.-viii. (responsive to Req. 1);
- iii. Two .pdf-format documents that each appear to be approximately 25,000 pages of raw XML (eXtensible Markup Language) code of Triares' consumer data, rather than the single spreadsheet of organized data that Complaint Counsel was told to expect, *id.* ¶ 4.b.x.-xi (responsive to Req. 4).

Complaint Counsel reviewed these documents immediately and, on the next business day, informed Triares' Counsel that Triares' deposition would go forward on September 1, as previously agreed. *Id.* ¶ 5. Triares' Counsel thereafter filed the Motion and stated by email that Triares would not appear at the deposition. PX06 p.1.

Triares did not serve Complaint Counsel with formal written objections and responses to the Deposition Subpoena before filing the Motion, Howe Decl. ¶ 6, and Triares' Counsel did not ask for specific limitations or modifications to any deposition topic until an August 31, 2022 email sent after service of the Motion. *See* PX08 pp. 1-3. On September 1, 2022, Complaint Counsel appeared at the deposition; Triares did not. Howe Decl. ¶ 7.

II. ARGUMENT

Triares' untimely Motion grossly misstates the parties' conferrals and course of dealing, referencing nonexistent "agreements" to narrow or abandon discovery. In reality, Triares has engaged in a campaign to evade providing any meaningful discovery, providing only 13 documents (most of which do not speak for themselves) and failing to appear for a duly-noticed deposition on an agreed-upon date.

In bringing its Motion, Triares bore the burden of showing why discovery should be denied, *see In re Polypore Int'l, Inc.*, 2008 WL 4947490, at *6 (F.T.C. Nov. 18, 2008), and has failed to do so. The testimony sought is directly relevant to Complaint Counsel's claims: HomeAdvisor is alleged to have made false or misleading claims about leads received from Triares, and Triares is the sole party in possession of the truth regarding how it gathered leads. Indeed, Triares explicitly relies on being the only party in possession of that information, stating that its means of gathering leads are secrets that HomeAdvisor does not know. Where, as here, a strict Protective Order bars disclosure of information Triares designates as "Confidential" from

the public *and from HomeAdvisor itself*, Protective Order at ¶¶ 7-8, and the information sought is centrally relevant, Complaint Counsel’s ability to take testimony from Triares should not be limited or forestalled.

Triares’ complete disregard of this proceeding, the Rules of Procedure, and its own representations to Complaint Counsel should not be permitted to stand. Triares’ Motion should be denied, and Triares should sit for deposition.

A. Triares’ Motion is Untimely

Triares’ motion is plainly untimely and violates the Rules of Practice.³ Under Commission Rule 3.34(c), Triares was bound to file the Motion “within the earlier of 10 days after service thereof or the time for compliance therewith.” 16 C.F.R. § 3.34(c). Triares acknowledges it received the Deposition Subpoena on or around July 7, 2022, and the subpoena itself originally set the deposition for August 11, 2022. The “earlier” date by which Triares should have moved was therefore July 18, 2022, nearly two months ago. Instead, in that time, Triares rescheduled the deposition twice on mutually convenient dates, without serving even cursory written objections to the Deposition Subpoena or its scope, in apparent hope that the deposition would be voluntarily cancelled. *See* Howe Decl. ¶¶ 5-6; PX02 p. 8; PX06 p. 14. Triares’ failure to file until August 31, 2022—55 days after service, 30 days after the initial meet-and-confer, and the day before the agreed-upon date for the deposition—is fatal to Triares’ Motion.⁴

³ Triares’ Motion lacks a statement under 16 C.F.R. §3.22(g); although Triares’ Counsel conferred regarding concerns including relevance and trade secrets, it did not raise its request to limit the deposition until after filing the Motion. PX08 pp. 1-3. The Scheduling Order makes clear that this failure alone is fatal to Triares’ Motion. Scheduling Order Additional Provision ¶ 4.

⁴ Even considering Complaint Counsel’s agreement that it would not view Triares as out of compliance before August 1, 2022, *see* PX02, the filing deadline expired at the latest on August 11, 2022.

B. Complaint Counsel Never Agreed to Withdraw the Deposition Subpoena in Exchange for a Supplemental Production

Triares’ “understanding” that its deposition would not go forward flies in the face of explicit admonitions—both verbal and written—that Complaint Counsel would not guarantee cancellation of the deposition. Even the highly selective exhibits attached by Triares make plain that no agreement to cancel the deposition existed:

- i. Exhibit H, August 24, 2022 (Complaint Counsel): “As we discussed, an additional production does not guarantee that Complaint Counsel will consent to forego your client’s deposition; we will have to review what your client ultimately produces to make that determination.” (emphasis added).
- ii. Exhibit J, August 24, 2022 (Triares’ Counsel): “As discussed, you have agreed to review the additional documentation/data we expect to send you tomorrow in consideration of withdrawing the deposition subpoena. I understand you cannot make that determination until you review the documentation/data”

Rather than obviating the need for deposition, Triares’ production ensured its necessity. The webpages produced do not contain URLs, timestamps, or, in one case, even the name of the website, and they do not contain the terms and conditions that the consumer was accepting by submitting their information. Howe Decl. ¶ 4.b.i.-viii. Moreover, when Triares touts that it produced 50,000 pages of documents, it neglects to mention that thousands of pages consist of *raw code* in place of the single organized spreadsheet of consumer data that Triares claimed it would provide. *Id.* ¶¶ 3.c.i., 4.b.x.-xi. Neither this inscrutable code nor the haphazard website captures speak for themselves; it is necessary for Triares to testify about these documents.

Complaint Counsel considered in good faith whether Triares' deposition was necessary and determined that it was. Complaint Counsel cannot be bound by a fictional agreement or an unfounded "understanding." Triares should sit for deposition.

C. The Testimony Sought is Highly Relevant and Should Not Be Limited

Triares' motion woefully misconstrues its relevance to this case. Complaint Counsel alleges HomeAdvisor made false or misleading statements about the leads it sells, including *inter alia*, that they concern consumers who are "serious" about hiring a service professional, not "just window-shop[ping]," "actively seeking the services you provide in your area," and/or who knowingly sought HomeAdvisor's assistance in selecting a service provider. *See, e.g.*, Compl. ¶¶ 27-29, 44, 61-63. Where Triares actually collected consumers' information, Triares, and not HomeAdvisor, possesses the proof of what those consumers actually expressed and what they were told when they submitted their information—i.e., proof of falsity, especially where Triares avers that it does not share this information with HomeAdvisor. Motion at 2 ("To generate Leads, Triares uses proprietary technology and methodologies that it closely guards and protects from public disclosure including, especially, the Respondent"). Triares' position also confirms this discovery is neither cumulative or duplicative because Triares alone possesses this information, which falls squarely within permissible discovery under Rule 3.31(c)(1). *See In re Otto Block HeathCare N. Am. Inc.*, 2018 WL 1836647 (F.T.C Mar. 28, 2018) (denying motion to quash where respondent argued third party deponent was "uniquely in possession of" information "critical to the claims and defenses in this case").

D. The Protective Order More Than Adequately Addresses Triares' Trade Secret Concerns

The trade secret limitation Triares has requested—and never properly sought prior to the Motion—must be rejected. The Motion crystalizes that Triares' supposed trade secrets are the

key relevant testimony that Triares must provide and no limitation should be ordered.

Triares' argues that testifying regarding its non-public methods will result in its "inevitable demise." Motion at 10. Its hyperbole should not be credited because Triares has not explained why this action's robust Protective Order is insufficient. *See In re Lab. Corp.*, 2011 FTC LEXIS 5, at *3-5 (Jan. 28, 2011) (denying a third party's request to restrict discovery because an existing protective order would adequately protect trade secrets); *see also In re Lab. Corp.*, 2011 WL 668514, at *2 (F.T.C. Feb. 17, 2011) ("The fact that discovery might result in the disclosure of sensitive competitive information is not a basis for denying such discovery.") (quoting *LeBaron v. Rohm & Hass Co.*, 441 F.2d 575, 577 (9th Cir. 1971)). Complaint Counsel's subpoenas do not demand that Triares' "proprietary, highly confidential, and competitively sensitive information" be revealed to the public *or even to Respondent*. Triares is free to designate its testimony "Confidential" and ensure that (i) it may not be disclosed beyond "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," under Paragraph 7, and (ii) it may not be used other than in this proceeding any appeal therefrom, under Paragraph 8. Because Triares' claimed interest in secrecy is adequately addressed by the Protective Order, its Motion should be denied.

CONCLUSION

For the foregoing reasons, Triares' Motion should be denied.

Respectfully submitted,

Dated: September 12, 2022

s/ M. Elizabeth Howe
Sophia H. Calderón
Colin D. A. MacDonald
Breena M. Roos
M. Elizabeth Howe
Katharine F. Barach
Nadine S. Samter
Ben A. Halpern-Meeken

Federal Trade Commission
Northwest Region
915 Second Ave., Suite 2896
Seattle, WA 98174
Tel.: (206) 220-6350
Fax: (206) 220-6366
Email: scalderon@ftc.gov
cmacdonald@ftc.gov
broos@ftc.gov
mhowe@ftc.gov
kbarach@ftc.gov
nsamter@ftc.gov
bhalpernmeeken@ftc.gov

Counsel Supporting the Complaint

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 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
Constitution Center
400 Seventh Street, SW, Suite 5610
Washington, D.C. 20024
ElectronicFilings@ftc.gov

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

I further certify that on September 12, 2022, I caused the foregoing document to be served via email to:

William A. Burck
Dawn Y. Yamane Hewett
Kyra R. Simon
Quinn Emanuel Urquhart & Sullivan, LLP
1300 I Street NW, 9th Floor
Washington, DC 20005
(202) 538-8000
williamburck@quinnemanuel.com
dawnhewett@quinnemanuel.com
kyrasimon@quinnemanuel.com

Stephen R. Neuwirth
Jennifer J. Barrett
Neil T. Phillips
George T. Phillips
Jared Ruocco
Kathryn D. Bonacorsi
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
(212) 849-7000
stephenneuwirth@quinnemanuel.com
jenniferbarrett@quinnemanuel.com
neilphillips@quinnemanuel.com
georgephillips@quinnemanuel.com
jaredruocco@quinnemanuel.com
kathrynbacorsi@quinnemanuel.com

Counsel for Respondent HomeAdvisor, Inc.

Travis J. Jacobs
The Jacobs Law, LLC
36 Broomfield Street, Suite 502
Boston, MA 02108
(800) 642-4783
tjacobs@thejacobsllaw.com

Counsel for Triares, Inc.

Dated: September 12, 2022

By: s/ M. Elizabeth Howe
M. Elizabeth Howe

Counsel Supporting the Complaint

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

In the Matter of

**HOMEADVISOR, INC., a corporation,
d/b/a ANGI LEADS,
d/b/a HOMEADVISOR POWERED BY ANGI.**

DOCKET NO. 9407

DECLARATION OF MARY ELIZABETH HOWE

My name is Mary Elizabeth Howe, I am over eighteen years of age, and I am a citizen of the United States. I have personal knowledge of the information contained herein. If called as a witness, I could and would testify as follows:

1. I am an attorney licensed to practice law in New York and Washington, am a full-time employee of the Federal Trade Commission, and am Complaint Counsel in the above-captioned matter.
2. On June 28, 2022, Complaint Counsel Colin D. A. MacDonald executed and served by mail a Subpoena Duces Tecum and a Subpoena Ad Testificandum (collectively, “Subpoenas”) to Triares, Inc. (“Triares”) in the above-captioned matter. *See PX01, infra.*
3. Below is a summary of certain discussions that took place during meet-and-confer conferences that Complaint Counsel subsequently engaged in with counsel for Triares, Travis Jacobs of The Jacobs Law, LLC, relating to the Subpoenas. The below does not purport to be an exhaustive transcript of all points discussed at these meet-and-confers:
 - a. **First Meet-And-Confer (August 1, 2022)**: On August 1, 2022, Complaint Counsel Katherine Barach, Colin D. A. MacDonald, and I participated in a

telephonic meet-and-confer with Mr. Jacobs, arranged in advance via email. *See* **PX02**, *infra*, at pp. 9-11.

- i. During the August 1, 2022 call, Mr. Jacobs offered to produce the written responses and objections and documents Triares had previously produced in *Airquip, Inc., et al. v. HomeAdvisor, Inc., et al.*, Case No. 1:16cv1849 (filed July 19, 2016, D. Colo.) (“Airquip responses”) and indicated that his position was that these responses would satisfy the requests in Complaint Counsel’s Subpoena Duces Tecum to Triares. I informed Mr. Jacobs that Complaint Counsel could not assess the adequacy of the *Airquip* responses as a separate response to the Subpoena Duces Tecum without examining those documents. Mr. Jacobs indicated that he would send the *Airquip* responses to Complaint Counsel immediately following completion of the meet-and-confer call; Complaint Counsel and Mr. Jacobs discussed reconvening to discuss the sufficiency of the *Airquip* responses and any further production needed as early as the next day.
- ii. At no time during the August 1, 2022 call did Complaint Counsel agree to limit or otherwise modify the scope of either of the Subpoenas based on the proposed production by Triares of the *Airquip* responses.
- iii. At no time during the August 1, 2022 call did Mr. Jacobs request to limit or modify the scope of the Subpoena Ad Testificandum to Triares. Mr. Jacobs suggested that Triares could submit an affidavit in lieu of appearing for deposition, which Complaint Counsel indicated would not be sufficient. Complaint Counsel and Mr. Jacobs discussed that Mr.

Jacobs would verify Triares' availability to sit for deposition on August 22, 23, or 26, 2022. (Mr. Jacobs subsequently confirmed Triares' availability to sit for deposition on August 26, 2022 by email. **PX02**, *infra*, at p.8).

iv. During the call, Mr. Jacobs raised his position that, with respect to Request No. 3 of the Subpoena Duces Tecum, Triares viewed the requested materials as containing trade secrets that were not known to the public or to Respondent HomeAdvisor, Inc. ("HomeAdvisor"). Complaint Counsel conveyed the position that any trade secrets could be adequately protected by the Protective Order issued in this case and directed Mr. Jacobs to the limitation on the dissemination of materials beyond counsel for Respondent in Paragraph 7 of the Protective Order.

b. **Second Meet-And-Confer (August 22, 2022)**: On August 22, 2022, Complaint Counsel Ben A. Halpern-Meekin and I participated in a zoom conference call with Mr. Jacobs, which had been arranged by email in advance. *See* **PX02**, at pp. 1-2.

i. During the call, Mr. Jacobs stated his position that deposition of Triares was premature. I informed him that fact discovery in this action was due to close on September 6, 2022, and that Triares' deposition would need to take place before that date.

ii. During the call, Mr. Jacobs requested that Complaint Counsel consider accepting an additional document production from Triares in lieu of taking Triares' deposition. I indicated that, if Triares produced additional

documents, Complaint Counsel would be willing to consider whether such a production would obviate the need for Triares to sit for deposition, but (i) Complaint Counsel could not make that determination without seeing the proposed production; and (ii) Complaint Counsel could not guarantee that it would necessarily cancel the deposition if Triares provided further documents. At no point during the call did Complaint Counsel agree to cancel Triares' deposition solely because Triares provided additional documents.

- iii. During the call, I informed Mr. Jacobs of the following conditions for Complaint Counsel to consider cancellation of Triares' deposition: (i) because Triares was proposing to provide a supplemental production too late for Complaint Counsel to serve it on Counsel for Respondent at least three Business days before the deposition (then scheduled for August 26, 2022), Mr. Jacobs would have to provide Triares' availability for a rescheduled deposition the week of August 29, 2022, through September 2, 2022, or else the deposition would have to go forward as previously scheduled; (ii) at a minimum, Triares' supplemental production would need to contain executed copies of two records certifications that Complaint Counsel included with the Subpoena Duces Tecum (*see* **PX01**, pp. 6-7), which Triares had not returned with its initial production; and (iii) Triares would need to provide Complaint Counsel with a concrete proposal within 24 hours regarding the scope and timing of its proposed supplemental production.

- iv. Mr. Jacobs inquired about the possibility of Triares submitting written interrogatory responses in lieu of sitting for deposition and asked why the requested discovery could not be obtained directly from HomeAdvisor. He did not request limitations or modifications of any deposition topic.
- c. **Third Meet-And-Confer (August 24, 2022):** On August 24, 2022, Complaint Counsel Ben A. Halpern-Meekin and I participated in a zoom conference call with Mr. Jacobs, which had been arranged by email in advance, *see* **PX06**, *infra*, at p.16.
- i. During the call, Mr. Jacobs explained that his client was compiling what he specifically described as a “spreadsheet” that would contain data responsive to Request No. 4 of the Subpoena Duces Tecum. He described that the spreadsheet would contain both (i) information submitted to Triares by consumers and then transmitted to HomeAdvisor and (ii) column headings that would identify specific questions that consumers answered in submitting their information to Triares, including any set options the customer was asked to select between when providing their answers (i.e., from a dropdown/multiple choice menu).
 - ii. As Triares had previously refused to produce any documents in response to Subpoena Duces Tecum Request Nos. 1 and 2 on the grounds that it viewed this information as trade secrets that were unknown to HomeAdvisor, I requested that Triares produce image captures of the current and historical version of websites of which Triares knew

HomeAdvisor to be already aware, specifically including homeyou.com and ehardhat.com.

- iii. During the call, I reiterated that Triares would need to provide copies of the two record certifications Complaint Counsel had requested and included with the subpoena in order for Complaint Counsel to cancel the deposition.
- iv. During the call, I informed Mr. Jacobs that Complaint Counsel could not consider the sufficiency of a proposed supplemental production as a potential alternative to deposition without rescheduling the deposition to a date certain before the close of fact discovery, to preserve Complaint Counsel's ability to take the deposition, if necessary, after receipt of the production. I informed Mr. Jacobs that if Triares did not provide a new date for deposition by the close of business on August 25, 2022, and if that date was not confirmed with Counsel for HomeAdvisor, Complaint Counsel would proceed with Triares' deposition on August 26, 2022, as previously scheduled. At no point during the call did Complaint Counsel agree to cancel Triares' deposition if Triares provided additional documents.
- v. At no point during the call did Mr. Jacobs raise any objections to the scope of the deposition or request any limitation to the scope of the deposition.

4. Below is a summary of the productions received by Complaint Counsel in response to the Subpoena Duces Tecum to Triares:

- a. **Initial Production (August 18, 2022)**: On August 18, 2022, Mr. Jacobs served Complaint Counsel by email with a 62-page .pdf-format document containing the 15-page-long “Responses and Objections of Non-Party Triares Inc. to Subpoena Duces Tecum” and 47 pages branded with “TRIARES INC (Non-Party) Response 8/18/2022” and consecutively numbered pages. *See PX05, infra.*
- b. **Supplemental Production (August 26, 2020)**: On August 26, 2022, Triares produced a supplemental written response to the Subpoena Duces Tecum (*see PX07, infra*) and eleven documents to Complaint Counsel. The documents produced are described below and, except where indicated, were designated Confidential by Triares under the Protective Order in this case:
 - i. “0048-0050.pdf” is a three-page document which appears to be a .pdf conversion of a submission form from a website (*i.e.*, a form seeking that an internet user submit information to the website’s operator). The trade name of the website is visible, but the capture does not include the URL of the webpage or the date the conversion was performed, and it includes no other pages from the website beyond the submission form.
 - ii. “0051-0057.pdf” is a seven-page document which appears to be a .pdf conversion of a submission form from a website. The name of the website is visible, but the capture does not include the URL of the webpage or the date the conversion was performed, and it includes no other pages from the website beyond the submission form.
 - iii. “0058-0065.pdf” is an eight-page document which appears to be a .pdf conversion of a submission form from a website. The trade name of the

website is visible, but the capture does not include the URL of the webpage or the date the conversion was performed, and it includes no other pages from the website beyond the submission form.

- iv. “0066-0072.pdf” is a seven-page document which appears to be a .pdf conversion of a submission form from a website. The trade name of the website is visible, but the capture does not include the URL of the webpage or the date the conversion was performed, and it includes no other pages from the website beyond the submission form.
- v. “0073-0079.pdf” is a seven-page document which appears to be a .pdf conversion of a submission form from a website. The trade name of the website is visible, but the capture does not include the URL of the webpage or the date the conversion was performed, and it includes no other pages from the website beyond the submission form.
- vi. “0080-0087.pdf” is an eight-page document which appears to be a .pdf conversion of a submission form from a website. The trade name of the website is not visible, and the capture does not include the URL of the webpage or the date the conversion was performed, and it includes no other pages from the website beyond the submission form.
- vii. “0088-0094.pdf” is a seven-page document which appears to be a .pdf conversion of a submission form from a website. The trade name of the website is visible, but the capture does not include the URL of the webpage or the date the conversion was performed, and it includes no other pages from the website beyond the submission form.

- viii. “0095-0096.pdf” is a two-page document which appears to be a .pdf conversion of a submission form from a website. The trade name of the website is visible, but the capture does not include the URL of the webpage or the date the conversion was performed, and it includes no other pages from the website beyond the submission form.
- ix. “KOR Certificate 8-26-2022.pdf” is an executed Certification of Records of Regularly Conducted Activity as requested by Complaint Counsel’s Subpoena Duces Tecum, *see* **PX01** at p.7, and is not designated Confidential;
- x. “000097-026041.pdf” is a 25,945-page .pdf-format document which appears to be a conversion of a text (or similar format) file containing the raw XML (eXtensible Markup Language) code utilized by Triares to transmit “lead” data for individual consumers to HomeAdvisor for leads dated between September 1, 2020, and September 15, 2020. While the lead data in this document appears to include the consumer information that was collected by Triares, the XML code does not appear to include the specific text of the prompts to which the customer was replying nor any options from which the customer selected.
- xi. “026042-053892.pdf” is a 27,851-page .pdf-format document which appears to be a conversion of a text (or similar format) file containing the raw XML code utilized by Triares to transmit “lead” data for individual consumers to HomeAdvisor for leads dated between September 15, 2020, and September 30, 2020. While the lead data in this document appears to

include the consumer information that was collected by Triares, the XML code does not appear to include the specific text of the prompts to which the customer was replying nor any options from which the customer selected.

5. By written correspondence, Triares' deposition was rescheduled to September 1, 2022, beginning at 9:00 a.m. Pacific Daylight Time. *See* **PX06** at p.14. Triares' supplemental production was produced to Complaint Counsel in two parts via ProofPoint and DropBox document transfer systems at 2:17 p.m. and 2:21 p.m. Pacific Daylight Time, respectively, on Friday August 26, 2022. Complaint Counsel downloaded the production immediately upon receipt and wrote to Mr. Jacobs to confirm what files had been received and downloaded (*see* **PX06** at p.13-14), and thereafter served the supplemental production on counsel for HomeAdvisor. Complaint Counsel reviewed these productions for sufficiency that evening and over the weekend of August 27-28, 2022, and informed Mr. Jacobs via email at approximately 2:10 p.m. Pacific Daylight Time (5:10 p.m. Eastern) on August 29, 2022, that Complaint Counsel had determined that the deposition of Triares would need to go forward. *See* **PX06** at p.12.
6. On August 31, 2022, Mr. Jacobs served Complaint Counsel via email with Non-Party Triares, Inc.'s Emergency Petition to Stay Deposition and to Quash or Limit Subpoena Ad Testificandum ("Motion"). **PX06** at pp.1-2. On that same day, in order to ensure that Counsel for Respondent was aware of Triares' Motion because Complaint Counsel had received no confirmation of AEFS filing and the Motion did not contain a certificate of service, Complaint Counsel emailed Counsel for HomeAdvisor to provide a copy of the Motion and to state that Complaint Counsel intended to appear at the remote deposition

as scheduled. At no time prior to the filing of the Motion did Triares serve Complaint Counsel with any formal written objections or responses to the Subpoena Ad Testificandum.

7. On September 1, 2022, at approximately 9:11 a.m. Pacific Daylight Time, I convened the remote deposition of Triares; I noted on record that Triares, through its designee(s), had failed to appear and reserved Complaint Counsel's rights and remedies with respect to the deposition going forward at a later date. Counsel for HomeAdvisor was in attendance and stated on record that HomeAdvisor took no position regarding Triares' failure to appear at the deposition.
8. I attach the below exhibits to this Declaration:
 - a. Attached hereto as **PX01** is a true and correct copy of the subpoena package served on Triares by mail on June 28, 2022, containing Complaint Counsel's Subpoena Duces Tecum and Subpoena Ad Testificandum to Triares.
 - b. Attached hereto as **PX02** is a true and correct copy of an email exchange between Complaint Counsel and attorneys from The Jacobs Law LLC, including Amie DiGiampalo and Travis Jacobs, from between July 14, 2022, and August 22, 2022.
 - c. Attached hereto as **PX03** is a true and correct copy of an email exchange between Complaint Counsel and attorneys from The Jacobs Law LLC, including Amie DiGiampalo and Travis Jacobs, from between July 14, 2022, and August 2, 2022.
 - d. Attached hereto as **PX04** is a true and correct copy of an email exchange between Complaint Counsel and attorneys from The Jacobs Law LLC, including Amie

DiGiampalo and Travis Jacobs, from between July 14, 2022, and August 12, 2022.

- e. Attached hereto as **PX05** is a true and correct copy of a 62-page .pdf document served by email by Travis Jacobs on August 18, 2022, containing a 15-page document entitled “Responses and Objections of Non-Party Triares Inc. to Subpoena Duces Tecum” and 47 pages branded with “TRIARES INC (Non-Party) Response 8/18/2022” and consecutive page numbering from 0001 through 0047. Complaint Counsel received similar documents to the pages numbered 0001-0047 from HomeAdvisor in discovery in this matter which HomeAdvisor designated “Confidential” under the Protective Order in this case. In an abundance of caution, Complaint Counsel has redacted these documents from the public version of this filing.
- f. Attached hereto as **PX06** is a true and correct copy of an email exchange between Complaint Counsel and Travis Jacobs of The Jacobs Law LLC from between August 22, 2022, and August 31, 2022.
- g. Attached hereto as **PX07** is a true and correct copy of a document entitled “Supplemental Responses and Objections of Non-Party Triares Inc. to Subpoena Duces Tecum,” served on Complaint Counsel on August 26, 2022.
- h. Attached hereto as **PX08** is a true and correct copy of an email exchange between Complaint Counsel and Travis Jacobs of The Jacobs Law LLC from between August 22, 2022, and August 31, 2022.

PUBLIC

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 12, 2022.

s/ Mary Elizabeth Howe
Mary Elizabeth Howe

Counsel Supporting the Complaint

PX01



Subpoena for Production of Documentary Material

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)

1. TO Triares, Inc. c/o Agents and Corporations, Inc., registered agent 1201 Orange St., Ste. 600, One Commerce Center Wilmington, DE 19801	2. FROM <p style="text-align: center;">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.

3. PLACE OF PRODUCTION Via electronic mail/transmission to: Erik Winker Federal Trade Commission Northwest Region 915 Second Ave., Suite 2896 Seattle, WA 98174 ewinker@ftc.gov/ 206.220.6351	4. MATERIAL WILL BE PRODUCED TO Erik Winker, Federal Trade Commission 5. DATE AND TIME OF PRODUCTION July 28, 2022 by 5:00 p.m. (Pacific Time)
--	---

6. SUBJECT OF PROCEEDING

 In the Matter of HomeAdvisor, Inc. (Dkt. No. 9407)

7. MATERIAL TO BE PRODUCED

 Documents set forth in the accompanying Attachment A.

8. ADMINISTRATIVE LAW JUDGE The Honorable D. Michael Chappell Federal Trade Commission Washington, D.C. 20580	9. COUNSEL AND PARTY ISSUING SUBPOENA Colin D. A. MacDonald Federal Trade Commission Northwest Region 915 Second Ave., Suite 2896 Seattle, WA 98174 cmacdonald@ftc.gov/ 206.220.4474
--	--

DATE SIGNED 6/28/2022	SIGNATURE OF COUNSEL ISSUING SUBPOENA s/ Colin D. A. MacDonald
--------------------------	---

INSTRUCTIONS AND NOTICES

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. This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

PETITION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any petition to limit or quash this subpoena be filed within the earlier of ten days after service thereof or the time for compliance therewith. The original and twelve copies of the petition must be filed with the Secretary of the Federal Trade Commission, and one copy should be sent to the Commission Counsel named in Item 9.

YOUR RIGHTS TO REGULATORY ENFORCEMENT FAIRNESS

The FTC has a longstanding commitment to a fair regulatory enforcement environment. If you are a small business (under Small Business Administration standards), you have a right to contact the Small Business Administration's National Ombudsman at 1-888-REGFAIR (1-888-734-3247) or www.sba.gov/ombudsman regarding the fairness of the compliance and enforcement activities of the agency. You should understand, however, that the National Ombudsman cannot change, stop, or delay a federal agency enforcement action.

The FTC strictly forbids retaliatory acts by its employees, and you will not be penalized for expressing a concern about these activities.

TRAVEL EXPENSES

Use the enclosed travel voucher to claim compensation to which you are entitled as a witness for the Commission. The completed travel voucher and this subpoena should be presented to Commission Counsel 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 Commission Counsel. Witness travelers can contact the FTC travel office for guidance at (202) 326-3299 or travel@ftc.gov. PLEASE NOTE: Reimbursement for necessary transportation, lodging, and per diem expenses cannot exceed the maximum allowed for such expenses by an employee of the federal government.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCsRulesofPractice>. Paper copies are available upon request.

ATTACHMENT A**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION****In the Matter of****HOMEADVISOR, INC., a corporation,
d/b/a ANGI LEADS,
d/b/a HOMEADVISOR POWERED BY ANGI.****DOCKET NO. 9407**

Pursuant to the Federal Trade Commission's Rules of Practice, 16 C.F.R. § 3.34, and the Definitions and Instructions set forth below, Complaint Counsel hereby requests that Triares, Inc., produce all documents, electronically stored information, and other things in its possession, custody, or control responsive to the following requests within 30 days via electronic mail, or at such time and place as may be agreed upon by all counsel.

I. REQUESTS FOR PRODUCTION

1. Each version of any web-page or other consumer-facing interface, whether electronic or physical, by which **You** obtained **Consumer-Specific Information** that **You** subsequently provided to **HomeAdvisor**.
2. To the extent that any **Document** identified and produced in response to Request for Production No. 1 was made available by **You** at an internet address, and the Uniform Resource Locator (URL) for that internet address is not included within the **Document**, **Documents** sufficient to show the URL at which the **Document** is or was located.
3. **Documents** sufficient to show all discrete categories of **Consumer-Specific Information** (e.g., name, address, phone number, e-mail address, specific home project needs) that **You** provide or have provided to **HomeAdvisor**.
4. All **Consumer-Specific Information** **You** provided to **HomeAdvisor** in September 2020.
5. All complaints **You** have received from third parties, including **Service Providers** and **Persons** whose **Customer-Specific Information** **You** obtained, regarding **Your** provision of **Consumer-Specific Information** to **HomeAdvisor**.

II. DEFINITIONS

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

1. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request any information that might otherwise be construed to be outside its scope.
2. "Any" shall be construed to include "all," and "all" shall be construed to include the word "any."
3. "Each" shall be construed to include "every," and "every" shall be construed to include "each."
4. "Includes" or "including" means "including, but not limited to," so as to avoid excluding any information that might otherwise be construed to be within the scope of any request for information.
5. "**Consumer-Specific Information**" means information that is, or purports to be, exclusive to a single **Person** or single household.
6. "**Document**" is 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 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 (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 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, Blackberry, PDA, or other storage media, and such technical assistance or instructions as will enable conversion of such ESI into a reasonably usable form.

7. “**HomeAdvisor**” means HomeAdvisor, Inc., also doing business as Angi Leads, also doing business as HomeAdvisor Powered by Angi, or any agent, employee, officer, or representative thereof.
8. “**Person**” means any individual, group, unincorporated association, limited or general partnership, corporation, or other business or nonprofit entity.
9. “**Service Provider**” means a **Person** who sells home services and has purchased a membership from **HomeAdvisor**.
10. “**You,**” “**Your,**” or “**Yourself**” means Triares, Inc., or any agent, employee, officer, or representative thereof.
11. The use of the singular includes the plural, and the plural includes the singular.
12. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.
13. The spelling of a name shall be construed to include all similar variants thereof.

III. INSTRUCTIONS

1. Unless otherwise specified, the time period covered by these Requests for Production shall include all **Documents** created or in effect from **July 31, 2014, to the present**.
2. All **Documents** produced in response to these requests shall be clearly and precisely identified as to the Request(s) to which they are responsive. **Documents** that may be responsive to more than one Request need not be submitted more than once; however, **Your** response shall indicate, for each **Document** submitted, all Requests to which the **Documents** are responsive.
3. A complete copy of each **Document** should be submitted even if only a portion of the **Document** is within the terms of the **Document** Request. The **Document** shall not be edited, cut, or expunged and shall include all covering letters and memoranda, transmittal slips, appendices, tables, or other attachments.
4. Each page submitted should be marked with a unique “Bates” **Document** tracking number.
5. **Documents** covered by these specifications are those that are in **Your** possession or under **Your** actual or constructive custody or control, whether or not such **Documents** were received from or disseminated to any other **Person** or entity including attorneys, accountants, directors, officers, employees, independent contractors, and volunteers.
6. If any requested material is withheld based on a claim of privilege, submit, together with such claim, a schedule of items withheld that states individually for each item withheld:

(a) the type, title, specific subject matter, and date of the item; (b) the names, addresses, positions, and organizations of all authors and recipients of the item; and (c) the specific grounds for claiming that item as privileged. If only part of a responsive **Document** is privileged, all non-privileged portions of the **Document** must be submitted.

7. If any of the responsive **Documents** are in the form of ESI, please produce these **Documents** in their existing, native formats.
8. On March 14, 2022, the Court entered a *Protective Order Governing Discovery Material* in this matter. A copy of the protective order is enclosed with instructions on the handling of confidential information.
9. In lieu of producing at the time, date, and place set forth on the subpoena, please contact Eric Winker (206.220.6351; ewinker@ftc.gov) by email or telephone at least five days before the return date for instructions on how to produce information responsive to this subpoena.
10. The **Document** Requests are continuing in character so as to require **You** to produce additional information promptly upon obtaining or discovering different, new, or further information before the close of discovery on September 6, 2022.
11. Attached is a Certification of Records of Regularly Conducted Activity. Please execute and return this Certification with **Your** response. Completing this certification may reduce the need for **You** to testify at future proceedings to establish the admissibility of **Documents** produced in response to this subpoena.

CERTIFICATION

Pursuant to 28 U.S.C. §1746, I hereby certify under penalty of perjury that this response to the Request for Production of Documents has been prepared by me or under my personal supervision from records of Triares, Inc., and is complete and correct to the best of my knowledge and belief.

Where copies rather than original documents have been submitted, the copies are true, correct, and complete copies of the original documents. If the Commission uses such copies in any court or administrative proceeding, Triares, Inc., will not object based upon the Commission not offering the original document.

Signature of the Official

Title/ Company

Printed Name of the Official

Dated

**CERTIFICATION OF RECORDS OF REGULARLY CONDUCTED ACTIVITY
Pursuant to 28 U.S.C. § 1746**

1. I, _____, have personal knowledge of the facts set forth below and am competent to testify as follows:
2. I have authority to certify the authenticity of the records produced by Triares, Inc. (the “Company”) and attached hereto.
3. The documents produced and attached hereto by the Company are originals or true copies of records of regularly conducted activity that:
 - a) Were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;
 - b) Were kept in the course of the regularly conducted activity of the Company; and
 - c) Were made by the regularly conducted activity as a regular practice of the Company.

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

Date: _____

Signature

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

In the Matter of)
)
)

HomeAdvisor, Inc., a corporation,)
d/b/a Angi Leads,)
d/b/a HomeAdvisor Powered By Angi,)

Docket No. 9407

Respondent.)
)
)

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.” 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:

D M Chappell

D. Michael Chappell
Chief Administrative Law Judge

Date: March 14, 2022

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. 9407” 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. 9407” 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.



Subpoena to Testify at a Deposition^{PUBLIC}

Provided by the Secretary of the Federal Trade Commission, and
 Issued Pursuant to Rule 3.34(a), 16 C.F.R. § 3.34(a) (2010)

1. TO Triares, Inc. c/o Agents and Corporations, Inc., registered agent 1201 Orange St., Ste. 600, One Commerce Center Wilmington, DE 19801	2. FROM <p style="text-align: center;">UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION</p>
---	---

This subpoena requires you to appear and give testimony at the taking of a deposition, at the date and time specified in Item 5, and at the request of Counsel listed in Item 8, in the proceeding described in Item 6.

3. PLACE OF DEPOSITION Via Zoom or other remote videoconference platform	4. YOUR APPEARANCE WILL BE BEFORE <p style="text-align: center;">Complaint Counsel in the matter identified below.</p>
	5. DATE AND TIME OF DEPOSITION Aug. 11, 2022, beginning at 9:00am Pacific Time

6. SUBJECT OF PROCEEDING

In the Matter of HomeAdvisor, Inc. (Dkt. No. 9407)

To be examined on the matters set forth in the accompanying Attachment A.

7. ADMINISTRATIVE LAW JUDGE <p style="text-align: center;">The Honorable D. Michael Chappell Federal Trade Commission Washington, D.C. 20580</p>	8. COUNSEL AND PARTY ISSUING SUBPOENA Colin D. A. MacDonald Federal Trade Commission Northwest Region 915 Second Ave., Suite 2896 Seattle, WA 98174 cmacdonald@ftc.gov/ 206.220.4474
---	--

DATE SIGNED 6/28/2022	SIGNATURE OF COUNSEL ISSUING SUBPOENA s/ Colin D. A. MacDonald
--------------------------	---

INSTRUCTIONS AND NOTICES

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. This subpoena does not require approval by OMB under the Paperwork Reduction Act of 1980.

PETITION TO LIMIT OR QUASH

The Commission's Rules of Practice require that any petition to limit or quash this subpoena be filed within the earlier of ten days after service thereof or the time for compliance therewith. The original and twelve copies of the petition must be filed with the Secretary of the Federal Trade Commission, and one copy should be sent to the Commission Counsel named in Item 8.

YOUR RIGHTS TO REGULATORY ENFORCEMENT FAIRNESS

The FTC has a longstanding commitment to a fair regulatory enforcement environment. If you are a small business (under Small Business Administration standards), you have a right to contact the Small Business Administration's National Ombudsman at 1-888-REGFAIR (1-888-734-3247) or www.sba.gov/ombudsman regarding the fairness of the compliance and enforcement activities of the agency. You should understand, however, that the National Ombudsman cannot change, stop, or delay a federal agency enforcement action.

The FTC strictly forbids retaliatory acts by its employees, and you will not be penalized for expressing a concern about these activities.

TRAVEL EXPENSES

Use the enclosed travel voucher to claim compensation to which you are entitled as a witness for the Commission. The completed travel voucher and this subpoena should be presented to Commission Counsel 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 Commission Counsel. Witness travelers can contact the FTC travel office for guidance at (202) 326-3299 or travel@ftc.gov. PLEASE NOTE: Reimbursement for necessary transportation, lodging, and per diem expenses cannot exceed the maximum allowed for such expenses by an employee of the federal government.

A copy of the Commission's Rules of Practice is available online at <http://bit.ly/FTCsRulesofPractice>. Paper copies are available upon request.

ATTACHMENT A**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION****In the Matter of****HOMEADVISOR, INC., a corporation,
d/b/a ANGI LEADS,
d/b/a HOMEADVISOR POWERED BY ANGI.****DOCKET NO. 9407**

Pursuant to the Federal Trade Commission’s Rules of Practice, 16 C.F.R. § 3.34, and the Definitions and Instructions set forth below, Complaint Counsel hereby requests that Triares, Inc. (“Company”) designate one or more officers, directors, or managing agents, or designate other persons who consent, to testify on its behalf regarding the matters listed below. Unless a single individual is designated by the Company, the Company must designate in advance and in writing the matters on which each designee will testify. The person(s) designated must testify about information known or reasonably available to the Company and their testimony shall be binding on the company. If the Company believes that the required date of testimony would be unduly burdensome, the Company is encouraged to discuss with Complaint Counsel identified in this Subpoena a mutually agreeable alternative date.

I. MATTERS FOR EXAMINATION

1. **Your** relationship with **HomeAdvisor**, including all contracts or agreements between **You** and HomeAdvisor and the scope, volume, and duration of services **You** provided to **HomeAdvisor**.
2. All avenues by which **You** have obtained **Consumer-Specific Information** that **You** subsequently provided to **HomeAdvisor**.
3. All complaints **You** have received from third parties, including **Service Providers** and **Persons** whose **Customer-Specific Information** **You** obtained, regarding **Your** provision of **Consumer-Specific Information** to **HomeAdvisor**.
4. The authenticity of **Documents** produced by **You** in response to the Subpoena Duces Tecum issued in this matter on June 28, 2022.

II. DEFINITIONS

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

1. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request any information that might otherwise be construed to be outside its scope.
2. “Any” shall be construed to include “all,” and “all” shall be construed to include the word “any.”
3. “Each” shall be construed to include “every,” and “every” shall be construed to include “each.”
4. “Includes” or “including” means “including, but not limited to,” so as to avoid excluding any information that might otherwise be construed to be within the scope of any request for information.
5. “**Consumer-Specific Information**” means information that is, or purports to be, exclusive to a single **Person** or single household.
6. “**Document**” is 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 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 (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 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, Blackberry, PDA, or other storage media, and such technical assistance or instructions as will enable conversion of such ESI into a reasonably usable form.
7. “**HomeAdvisor**” means HomeAdvisor, Inc., also doing business as Angi Leads, also doing business as HomeAdvisor Powered by Angi, or any agent, employee, officer, or representative thereof.
8. “**Person**” means any individual, group, unincorporated association, limited or general partnership, corporation, or other business or nonprofit entity.

9. “**Service Provider**” means a **Person** who sells home services and has purchased a membership from **HomeAdvisor**.
10. “**You**,” “**Your**,” or “**Yourself**” means Triares, Inc., or any agent, employee, officer, or representative thereof.
11. The use of the singular includes the plural, and the plural includes the singular.
12. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.
13. The spelling of a name shall be construed to include all similar variants thereof.

III. INSTRUCTIONS

1. Unless otherwise specified, the time period covered by the Matters For Examination shall include **July 31, 2014, to the present**.
2. On March 14, 2022, the Court entered a *Protective Order Governing Discovery Material* in this matter. A copy of the protective order is enclosed with instructions on the handling of confidential information.
3. In lieu of appearing at the time, date, and place set forth on the subpoena, please contact Sophie Calderón (scalderon@ftc.gov; 206.220.4486) by email or telephone at least ten days before the deposition date to confer regarding scheduling the deposition at a mutually agreeable date, time, and place.

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. 9407” 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. 9407” 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.

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2022, I caused a true and correct copy of the foregoing to be served via electronic mail to:

William A. Burck
Dawn Y. Yamane Hewett
Kyra R. Simon
Quinn Emanuel Urquhart & Sullivan, LLP
1300 I Street NW, 9th Floor
Washington, DC 20005
(202) 538-8000
williamburck@quinnemanuel.com
dawnhewett@quinnemanuel.com
kyrasimon@quinnemanuel.com

Stephen R. Neuwirth
Jennifer J. Barrett
Neil T. Phillips
George T. Phillips
Jared Ruocco
Kathryn D. Bonacorsi
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
(212) 849-7000
stephenneuwirth@quinnemanuel.com
jenniferbarrett@quinnemanuel.com
neilphillips@quinnemanuel.com
georgephillips@quinnemanuel.com
jaredruocco@quinnemanuel.com
kathrynbonacorsi@quinnemanuel.com

Counsel for Respondent HomeAdvisor, Inc.

Date: June 28, 2022

By: s/ Sophia H. Calderón
Sophia H. Calderón
Federal Trade Commission
Northwest Region
915 Second Ave., Suite 2896
Seattle, WA 98174

Counsel Supporting the Complaint

PX02

PUBLIC**Howe, Beth**

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>
Sent: Monday, August 22, 2022 6:38 AM
To: Howe, Beth
Cc: Calderon, Sophie; MacDonald, Colin; Roos, Breena; Barach, Kate
Subject: RE: [External] Correspondence from The Jacobs Law

4pm EST is fine.

Warmest Regards,

Travis J. Jacobs, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
TJacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllc.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The

PUBLIC

Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>
Sent: Friday, August 19, 2022 8:08 PM
To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>
Cc: Calderon, Sophie <scalderon@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>
Subject: RE: [External] Correspondence from The Jacobs Law

Dear Travis,

Could you speak at 1:00pm Pacific/ 4:00pm Eastern? Let me know and I will send conference information.

Best,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>
Sent: Friday, August 19, 2022 4:15 PM
To: Howe, Beth <mhowe@ftc.gov>
Cc: Calderon, Sophie <scalderon@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>
Subject: RE: [External] Correspondence from The Jacobs Law

Beth,

I suggest we discuss on Monday. Please give me a call then.

Warmest Regards,

Travis J. Jacobs, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)

PUBLIC

[TheJacobs@TheJacobsLaw.com](http://www.TheJacobsLaw.com)
www.TheJacobsLaw.com
www.WeKnowBusinessLegal

FOLLOW THE ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Friday, August 19, 2022 5:59 PM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>

Cc: Calderon, Sophie <scalderon@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>; Roos, Brena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>

Subject: RE: [External] Correspondence from The Jacobs Law

Dear Travis,

Having had time to review Triares' responses, we will need to go forward with the deposition on Aug. 26 as planned. Counsel for HomeAdvisor has confirmed their availability for that date. We will make the arrangements and forward information for the court reporter/ remote deposition setup. Unless your client needs to make any alternate timing arrangements, we will plan to begin at 9:00am Pacific.

Please let me know if you want to discuss, and have a good weekend,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region

PUBLIC

206.220.4476
mhowe@ftc.gov

From: Howe, Beth
Sent: Friday, August 19, 2022 9:14 AM
To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>
Cc: Calderon, Sophie <scalderon@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>
Subject: RE: [External] Correspondence from The Jacobs Law

Received, Travis. I will review and get back to you with any questions.

Best,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>
Sent: Thursday, August 18, 2022 1:35 PM
To: Howe, Beth <mhowe@ftc.gov>
Subject: RE: [External] Correspondence from The Jacobs Law

Beth

Thank you, again, for the professional courtesy of additional time to respond to these. It IS very much appreciated.

Attached please find Triares Inc. Responses and Objections to the FTC's non-party subpoena. Please review same and contact me any time to discuss further.

Thank you.

Warmest Regards,

Travis J. Jacobs, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
Tjacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

PUBLIC**FOLLOW TJL ONLINE**

Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllc.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>
Sent: Thursday, August 11, 2022 7:30 PM
To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>
Cc: Calderon, Sophie <scalderon@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>
Subject: RE: [External] Correspondence from The Jacobs Law

Dear Mr. Jacobs,

I am sorry to hear of your continued difficulties. From what I hear, it can be a long recovery, and I hope you see some improvement in the short term.

We are open to discussion of the need for deposition, however, we cannot take it off the calendar until we have Triares' production in hand and are able to review it. Additionally, under the Scheduling Order in this matter, we will need to provide any production from Triares to our opposing counsel by August 23 (i.e. three Business Days before the 26th) if the deposition does need to go forward. Can you advise when you anticipate providing the production?

Best,
 Beth

M. Elizabeth Howe, Esq.
 Federal Trade Commission | Northwest Region
 206.220.4476
mhowe@ftc.gov

PUBLIC

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>
Sent: Thursday, August 11, 2022 10:58 AM
To: Howe, Beth <mhowe@ftc.gov>
Subject: RE: [External] Correspondence from The Jacobs Law

Beth,

I am working on the responses now (again). Unfortunately, this COVID infection has been relentless and delayed my progress on what was already a mountain of work to complete on my return. I'm starting to wonder if the vacation was even worth it.

I will keep the date open for now, but I would like to further discuss whether it is even necessary once you have a chance to review what we provide.

Warmest Regards,

Travis J. Jacobs, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
TJacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing

PUBLIC

Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>
Sent: Monday, August 8, 2022 4:02 PM
To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>; The Jacobs Law LLC Office <office@thejacobslaw.com>
Subject: RE: [External] Correspondence from The Jacobs Law

Dear Mr. Jacobs,

I am following up regarding Triares, Inc.'s outstanding responses to the document subpoena. Can you please advise when production is expected?

We have yet to hear back from Counsel for HomeAdvisor regarding holding the deposition on 8/26.

Best,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: Howe, Beth
Sent: Friday, August 5, 2022 4:03 PM
To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>; The Jacobs Law LLC Office <office@thejacobslaw.com>
Subject: RE: [External] Correspondence from The Jacobs Law

Dear Mr. Jacobs,

We will reach out to HomeAdvisor's counsel to confirm that date.

Best,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

PUBLIC

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>
Sent: Thursday, August 4, 2022 2:16 PM
To: Howe, Beth <mhowe@ftc.gov>
Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; AMIE DIGIAMPAOLO, ESQ. <amied@thejacobsllc.com>; The Jacobs Law LLC Office <office@thejacobsllc.com>
Subject: RE: [External] Correspondence from The Jacobs Law

Beth

My client would be available 8/26.

Warmest Regards,

Travis J. Jacobs, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
TJacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllc.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement.

PUBLIC

Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>
Sent: Tuesday, August 2, 2022 5:14 PM
To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>
Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; AMIE DIGIAMPAOLO, ESQ. <amied@thejacobsllaw.com>; The Jacobs Law LLC Office <office@thejacobsllaw.com>
Subject: RE: [External] Correspondence from The Jacobs Law

Dear Mr. Jacobs,

Thank you for speaking with us yesterday. From our conversation, we understood that you were preparing to send us yesterday subpoena responses that your client previously submitted to the parties in the *Airquip* litigation. We have not yet received those responses/documents; can you please confirm whether they have been sent?

Additionally, as we discussed, please let us know your client's availability for deposition. We understood you would be confirming availability for August 22, 23, or 26.

Best,
 Beth

M. Elizabeth Howe, Esq.
 Federal Trade Commission | Northwest Region
 206.220.4476
mhowe@ftc.gov

From: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobsllaw.com>
Sent: Friday, July 29, 2022 9:26 AM
To: Howe, Beth <mhowe@ftc.gov>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>; The Jacobs Law LLC Office <office@thejacobsllaw.com>
Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>
Subject: RE: [External] Correspondence from The Jacobs Law

Great, thanks. I'll circulate an invite with our conference call line.

Regards,

Amie DiGiampaolo, Esq.*



PUBLIC

36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
AmieD@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

*Admitted in Massachusetts and New Hampshire

FOLLOW THE ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>
Sent: Friday, July 29, 2022 12:17 PM

To: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>; The Jacobs Law LLC Office <office@thejacobslaw.com>
Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breana <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>
Subject: RE: [External] Correspondence from The Jacobs Law

Dear Amie,

We are available to speak at 1:00pm Pacific/ 4:00pm Eastern on Monday. Please let us know if you will be circulating conference information, we are happy to circulate a Zoom link if needed.

Beth,
Beth

PUBLIC

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobsllc.com>
Sent: Friday, July 29, 2022 8:42 AM
To: Howe, Beth <mhowe@ftc.gov>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>; The Jacobs Law LLC Office <office@thejacobsllc.com>
Cc: Calderon, Sophie <scalderson@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>
Subject: RE: [External] Correspondence from The Jacobs Law

Attorney Howe,
On behalf of Attorney Jacobs, I'm writing to set up a conference call for Monday, 8/1. Are you available at 10 am or 4 pm on Monday?

Thank you,
Amie

Regards,

Amie DiGiampaolo, Esq.*



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
AmieD@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

*Admitted in Massachusetts and New Hampshire

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S.

PUBLIC

Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Monday, July 18, 2022 8:56 PM

To: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>; The Jacobs Law LLC Office <office@thejacobslaw.com>

Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>

Subject: RE: [External] Correspondence from The Jacobs Law

Counsel,

I'm writing to follow up on my office's conversation with Ms. DiGiampaolo on the afternoon of Friday, July 15 regarding the document and deposition subpoenas issued by Complaint Counsel to Triares, Inc., in *In the Matter of HomeAdvisor, Inc.*, (FTC Docket No. 9407). As Mr. MacDonald agreed on that call, as long as, no later than August 1, 2022, Triares and Complaint Counsel conduct a meet and confer conference, pursuant to 16 C.F.R. 3.22(g), regarding the scope of the subpoenas, Complaint Counsel will not file any motion to compel with respect to the subpoenas, or otherwise deem Triares to be out of compliance with the subpoenas, prior to August 1, 2022.

Sincerely,
Beth Howe

M. Elizabeth Howe, Esq.

Federal Trade Commission | Northwest Region

206.220.4476

mhowe@ftc.gov

From: MacDonald, Colin <cmacdonald@ftc.gov>

Sent: Friday, July 15, 2022 12:02 PM

To: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Howe, Beth <mhowe@ftc.gov>

Cc: The Jacobs Law LLC Office <office@thejacobslaw.com>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>

Subject: RE: [External] Correspondence from The Jacobs Law

Counsel,

In my message yesterday, I suggested we have a call next week to discuss how to minimize the inconvenience to your client while ensuring we receive the documents and testimony required in a timely manner. It would be more productive to tether our conversation to particular concerns that your client has. We cannot unilaterally narrow our requests without knowing what categories of responsive materials your client has or how they are kept. Even if Mr.

PUBLIC

Jacobs is out of the office next week, is there someone from your firm who can speak to members of our team? To be clear, we are not necessarily opposed to any extension or modification, but we cannot acquiesce to a blanket request for a tripling of the response time.

Regards,

Colin D. A. MacDonald (he/him) | Attorney | Federal Trade Commission
Northwest Regional Office | 915 Second Ave., Ste. 2896 | Seattle, WA 98174
Tel.: (206) 220-4474 | Fax: (206) 220-6366 | Web: www.ftc.gov

From: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>

Sent: Friday, July 15, 2022 7:41 AM

To: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Brena <broos@ftc.gov>; Howe, Beth <mhowe@ftc.gov>

Cc: The Jacobs Law LLC Office <office@thejacobslaw.com>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>

Subject: FW: [External] Correspondence from The Jacobs Law

Dear counsel:

I am associate here at The Jacobs Law. Attorney Jacobs is handling this matter, and he is out of the office through next week, returning to the office on Monday, July 25, 2022. Your response to Attorney Jacobs' letter is unfortunate and short-sighted. A review of the Scheduling Order issued in this matter by the Office of ALJ on April 25, 2022, provides that close of discovery occurs on September 6, 2022; it further denotes that June 28, 2022 was the deadline for issuing document requests and subpoenas. Thus, you waited until the deadline to subpoena Triares with broad, extensive, and burdensome requests and which subpoena was only recently served upon Triares. As attorneys, I think we all know that scheduling orders and deadlines are extendable – especially when requests are made jointly. Additionally a review of your rules at 16 C.F.R. s. 3.21(c)(2) allows for such extension upon a showing of good cause. Here, there is clearly good cause for an extension.

Unless you can severely narrow the scope of your requests, Triares cannot comply because of the very short time you have afforded them and because of Attorney Jacobs' absence until July 25, 2022. To be clear, Triares is not refusing to comply; it simply needs additional time to respond to your extensive requests.

Please advise if we can come an agreement on this. Otherwise, emergency motion practice may be necessary. Thank you for your attention to this matter.

Regards,

Amie DiGiampaolo, Esq.*



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
AmieD@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

PUBLIC***Admitted in Massachusetts and New Hampshire****FOLLOW TJL ONLINE**

Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: MacDonald, Colin <cmacdonald@ftc.gov>

Sent: Thursday, July 14, 2022 9:50:58 PM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>; The Jacobs Law LLC Office <office@thejacobslaw.com>

Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Howe, Beth <mhowe@ftc.gov>

Subject: RE: [External] Correspondence from The Jacobs Law

Dear Ms. Lee and Mr. Jacobs,

Thank you for your letter, as well as your letter to my colleague Sophie Calderón regarding the related subpoena for testimony. Unfortunately, an extension of two months on either the return date or the deposition will not be workable. The relevant Rules of Practice, 16 C.F.R. Part 3, only allow for a very short discovery period. That said, our team is happy to discuss how to obtain the necessary documents and testimony while minimizing any inconvenience to your client. Are you available for a call early next week to discuss both subpoenas? If so, please let us know a few times that would work for you.

I have CCed Sophie, as well as our colleagues Breena Roos and Beth Howe, as I will be out of the office next week. Though I will be checking email, they will likely get back to you faster than I can. Thank you in advance.

Best,

PUBLIC

Colin

Colin D. A. MacDonald (he/him) | Attorney | Federal Trade Commission
Northwest Regional Office | 915 Second Ave., Ste. 2896 | Seattle, WA 98174
Tel.: (206) 220-4474 | Fax: (206) 220-6366 | Web: www.ftc.gov

From: The Jacobs Law LLC Office <office@thejacobslaw.com>

Sent: Thursday, July 14, 2022 11:33 AM

To: MacDonald, Colin <cmacdonald@ftc.gov>

Subject: Correspondence from The Jacobs Law

Attorney MacDonald,

Please see the attached correspondence from Attorney Travis Jacobs. Please feel free to contact him directly at TJacobs@thejacobslaw.com regarding this matter

Warmest regards,
Taylor Lee, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
Office@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice.

PUBLIC

In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllc.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

PX03

PUBLIC**Howe, Beth**

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>
Sent: Tuesday, August 2, 2022 3:13 PM
To: Howe, Beth
Cc: Calderon, Sophie; Roos, Breena; MacDonald, Colin; Barach, Kate; AMIE DIGIAMPAOLO, ESQ.; The Jacobs Law LLC Office
Subject: RE: [External] Correspondence from The Jacobs Law

Hi Beth,

Yes, I apologize for the delay – when I pulled up the response I was reminded that it is subject to a confidentiality stip in that case. To avoid any issues, I'm just going to respond to your document requests anew using the documents produced in that case and we can go from there as planned. I should have that to you this week.

I've emailed my client and asked them to identify one of those dates and a designee – I expect to hear back from them before I send over our response to the subpoena.

Warmest Regards,

Travis J. Jacobs, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
TJacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S.

PUBLIC

Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>
Sent: Tuesday, August 2, 2022 5:14 PM
To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>
Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; AMIE DIGIAMPAOLO, ESQ. <amied@thejacobsllaw.com>; The Jacobs Law LLC Office <office@thejacobsllaw.com>
Subject: RE: [External] Correspondence from The Jacobs Law

Dear Mr. Jacobs,

Thank you for speaking with us yesterday. From our conversation, we understood that you were preparing to send us yesterday subpoena responses that your client previously submitted to the parties in the *Airquip* litigation. We have not yet received those responses/documents; can you please confirm whether they have been sent?

Additionally, as we discussed, please let us know your client's availability for deposition. We understood you would be confirming availability for August 22, 23, or 26.

Best,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobsllaw.com>
Sent: Friday, July 29, 2022 9:26 AM
To: Howe, Beth <mhowe@ftc.gov>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>; The Jacobs Law LLC Office <office@thejacobsllaw.com>
Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>
Subject: RE: [External] Correspondence from The Jacobs Law

Great, thanks. I'll circulate an invite with our conference call line.

Regards,

PUBLIC

Amie DiGiampaolo, Esq.*



36 Bromfield Street, Suite 502
 Boston, Massachusetts 02108
 800.652.4783 (P) / 888.613.1919 (F)
AmieD@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

*Admitted in Massachusetts and New Hampshire

FOLLOW TJL ONLINE

Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>**Sent:** Friday, July 29, 2022 12:17 PM**To:** AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>; The Jacobs Law LLC Office <office@thejacobslaw.com>**Cc:** Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>**Subject:** RE: [External] Correspondence from The Jacobs Law

PUBLIC

Dear Amie,

We are available to speak at 1:00pm Pacific/ 4:00pm Eastern on Monday. Please let us know if you will be circulating conference information; we are happy to circulate a Zoom link if needed.

Best,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>
Sent: Friday, July 29, 2022 8:42 AM
To: Howe, Beth <mhowe@ftc.gov>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>; The Jacobs Law LLC Office <office@thejacobslaw.com>
Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>
Subject: RE: [External] Correspondence from The Jacobs Law

Attorney Howe,
On behalf of Attorney Jacobs, I'm writing to set up a conference call for Monday, 8/1. Are you available at 10 am or 4 pm on Monday?

Thank you,
Amie

Regards,

Amie DiGiampaolo, Esq.*



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
AmieD@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

*Admitted in Massachusetts and New Hampshire

FOLLOW TJL ONLINE



PUBLIC

Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Monday, July 18, 2022 8:56 PM

To: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>; The Jacobs Law LLC Office <office@thejacobslaw.com>

Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>

Subject: RE: [External] Correspondence from The Jacobs Law

Counsel,

I'm writing to follow up on my office's conversation with Ms. DiGiampaolo on the afternoon of Friday, July 15 regarding the document and deposition subpoenas issued by Complaint Counsel to Triares, Inc., in *In the Matter of HomeAdvisor, Inc.*, (FTC Docket No. 9407). As Mr. MacDonald agreed on that call, as long as, no later than August 1, 2022, Triares and Complaint Counsel conduct a meet and confer conference, pursuant to 16 C.F.R. 3.22(g), regarding the scope of the subpoenas, Complaint Counsel will not file any motion to compel with respect to the subpoenas, or otherwise deem Triares to be out of compliance with the subpoenas, prior to August 1, 2022.

Sincerely,
Beth Howe

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: MacDonald, Colin <cmacdonald@ftc.gov>

Sent: Friday, July 15, 2022 12:02 PM

To: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Howe, Beth <mhowe@ftc.gov>

PUBLIC**Cc:** The Jacobs Law LLC Office <office@thejacobslaw.com>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>**Subject:** RE: [External] Correspondence from The Jacobs Law

Counsel,

In my message yesterday, I suggested we have a call next week to discuss how to minimize the inconvenience to your client while ensuring we receive the documents and testimony required in a timely manner. It would be more productive to tether our conversation to particular concerns that your client has. We cannot unilaterally narrow our requests without knowing what categories of responsive materials your client has or how they are kept. Even if Mr. Jacobs is out of the office next week, is there someone from your firm who can speak to members of our team? To be clear, we are not necessarily opposed to any extension or modification, but we cannot acquiesce to a blanket request for a tripling of the response time.

Regards,

Colin D. A. MacDonald (he/him) | Attorney | Federal Trade Commission
Northwest Regional Office | 915 Second Ave., Ste. 2896 | Seattle, WA 98174
Tel.: (206) 220-4474 | Fax: (206) 220-6366 | Web: www.ftc.gov

From: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>**Sent:** Friday, July 15, 2022 7:41 AM**To:** MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Howe, Beth <mhowe@ftc.gov>**Cc:** The Jacobs Law LLC Office <office@thejacobslaw.com>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>**Subject:** FW: [External] Correspondence from The Jacobs Law

Dear counsel:

I am associate here at The Jacobs Law. Attorney Jacobs is handling this matter, and he is out of the office through next week, returning to the office on Monday, July 25, 2022. Your response to Attorney Jacobs' letter is unfortunate and short-sighted. A review of the Scheduling Order issued in this matter by the Office of ALJ on April 25, 2022, provides that close of discovery occurs on September 6, 2022; it further denotes that June 28, 2022 was the deadline for issuing document requests and subpoenas. Thus, you waited until the deadline to subpoena Triares with broad, extensive, and burdensome requests and which subpoena was only recently served upon Triares. As attorneys, I think we all know that scheduling orders and deadlines are extendable – especially when requests are made jointly. Additionally a review of your rules at 16 C.F.R. s. 3.21(c)(2) allows for such extension upon a showing of good cause. Here, there is clearly good cause for an extension.

Unless you can severely narrow the scope of your requests, Triares cannot comply because of the very short time you have afforded them and because of Attorney Jacobs' absence until July 25, 2022. To be clear, Triares is not refusing to comply; it simply needs additional time to respond to your extensive requests.

Please advise if we can come an agreement on this. Otherwise, emergency motion practice may be necessary. Thank you for your attention to this matter.

Regards,

Amie DiGiampaolo, Esq.*

PUBLIC

36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
AmieD@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

*Admitted in Massachusetts and New Hampshire

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: MacDonald, Colin <cmacdonald@ftc.gov>

Sent: Thursday, July 14, 2022 9:50:58 PM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>; The Jacobs Law LLC Office <office@thejacobslaw.com>

Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Howe, Beth <mhowe@ftc.gov>

Subject: RE: [External] Correspondence from The Jacobs Law

PUBLIC

Dear Ms. Lee and Mr. Jacobs,

Thank you for your letter, as well as your letter to my colleague Sophie Calderón regarding the related subpoena for testimony. Unfortunately, an extension of two months on either the return date or the deposition will not be workable. The relevant Rules of Practice, 16 C.F.R. Part 3, only allow for a very short discovery period. That said, our team is happy to discuss how to obtain the necessary documents and testimony while minimizing any inconvenience to your client. Are you available for a call early next week to discuss both subpoenas? If so, please let us know a few times that would work for you.

I have CCed Sophie, as well as our colleagues Breena Roos and Beth Howe, as I will be out of the office next week. Though I will be checking email, they will likely get back to you faster than I can. Thank you in advance.

Best,
Colin

Colin D. A. MacDonald (he/him) | Attorney | Federal Trade Commission
Northwest Regional Office | 915 Second Ave., Ste. 2896 | Seattle, WA 98174
Tel.: (206) 220-4474 | Fax: (206) 220-6366 | Web: www.ftc.gov

From: The Jacobs Law LLC Office <office@thejacobsllc.com>
Sent: Thursday, July 14, 2022 11:33 AM
To: MacDonald, Colin <cmacdonald@ftc.gov>
Subject: Correspondence from The Jacobs Law

Attorney MacDonald,

Please see the attached correspondence from Attorney Travis Jacobs. Please feel free to contact him directly at TJacobs@thejacobsllc.com regarding this matter

Warmest regards,
Taylor Lee, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
Office@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE



PUBLIC

Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllc.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

PX04

PUBLIC**Howe, Beth**

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Sent: Friday, August 12, 2022 10:08 AM
To: Howe, Beth
Cc: Calderon, Sophie; MacDonald, Colin; Roos, Breena; Barach, Kate
Subject: Re: [External] Correspondence from The Jacobs Law

Thank you. I appreciate that. I have a very 'type A' client who owns his own business; he had brain fog and fatigue for 90+ days. It nearly ruined him financially. That story is just terrifying.

I completely understand that. I expect to send it over Tuesday, Wednesday night latest. I really do want to get this off my plate. So that should be plenty of time for your team to review it and then we can discuss on or before the 22nd.

Thank you again for your consideration. It is greatly appreciated.

Warmest regards,

Travis J. Jacobs, Esq.
THE JACOBS LAW LLC
[36 Bromfield Street, Suite 502](#)
[Boston, Massachusetts 02108](#)
[800.652.4783](#) (P) / [888.613.1919](#) (F)

TJacobs@TheJacobsLaw.com

www.TheJacobsLaw.com
www.WeKnowBusiness.legal

Twitter: @THEJACOBSLAW

Facebook: m.facebook.com/TheJacobsLaw

CONFIDENTIALITY NOTICE: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS CIRCULAR 230 NOTICE: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. Any offer to settle or acceptance of an

PUBLIC

offer to settle is conditioned on a fully executed settlement agreement mutually agreed to by the interested parties.

From: Howe, Beth <mhowe@ftc.gov>
Sent: Thursday, August 11, 2022 7:29:43 PM
To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Cc: Calderon, Sophie <scalderon@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>
Subject: RE: [External] Correspondence from The Jacobs Law

Dear Mr. Jacobs,

I am sorry to hear of your continued difficulties. From what I hear, it can be a long recovery, and I hope you see some improvement in the short term.

We are open to discussion of the need for deposition, however, we cannot take it off the calendar until we have Triares' production in hand and are able to review it. Additionally, under the Scheduling Order in this matter, we will need to provide any production from Triares to our opposing counsel by August 23 (i.e. three Business Days before the 26th) if the deposition does need to go forward. Can you advise when you anticipate providing the production?

Best,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Sent: Thursday, August 11, 2022 10:58 AM
To: Howe, Beth <mhowe@ftc.gov>
Subject: RE: [External] Correspondence from The Jacobs Law

Beth,

I am working on the responses now (again). Unfortunately, this COVID infection has been relentless and delayed my progress on what was already a mountain of work to complete on my return. I'm starting to wonder if the vacation was even worth it.

I will keep the date open for now, but I would like to further discuss whether it is even necessary once you have a chance to review what we provide.

Warmest Regards,

Travis J. Jacobs, Esq.



PUBLIC

36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
Tjacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TIL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>
Sent: Monday, August 8, 2022 4:02 PM
To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breana <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>; The Jacobs Law LLC Office <office@thejacobslaw.com>
Subject: RE: [External] Correspondence from The Jacobs Law

Dear Mr. Jacobs,

I am following up regarding Triares, Inc.'s outstanding responses to the document subpoena. Can you please advise when production is expected?

We have yet to hear back from Counsel for HomeAdvisor regarding holding the deposition on 8/26.

Best,
Beth

M. Elizabeth Howe, Esq.

PUBLIC

Federal Trade Commission | Northwest Region

206.220.4476

mhowe@ftc.gov

From: Howe, Beth

Sent: Friday, August 5, 2022 4:03 PM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>

Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; AMIE DIGIAMPAOLO, ESQ. <amied@thejacobsllaw.com>; The Jacobs Law LLC Office <office@thejacobsllaw.com>

Subject: RE: [External] Correspondence from The Jacobs Law

Dear Mr. Jacobs,

We will reach out to HomeAdvisor’s counsel to confirm that date.

Best,
Beth

M. Elizabeth Howe, Esq.

Federal Trade Commission | Northwest Region

206.220.4476

mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>

Sent: Thursday, August 4, 2022 2:16 PM

To: Howe, Beth <mhowe@ftc.gov>

Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; AMIE DIGIAMPAOLO, ESQ. <amied@thejacobsllaw.com>; The Jacobs Law LLC Office <office@thejacobsllaw.com>

Subject: RE: [External] Correspondence from The Jacobs Law

Beth

My client would be available 8/26.

Warmest Regards,

Travis J. Jacobs, Esq.



36 Bromfield Street, Suite 502

Boston, Massachusetts 02108

800.652.4783 (P) / 888.613.1919 (F)

TJacobs@TheJacobsLaw.com

www.TheJacobsLaw.com

www.WeKnowBusiness.legal

PUBLIC**FOLLOW TJL ONLINE**

Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllc.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Tuesday, August 2, 2022 5:14 PM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>

Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; AMIE DIGIAMPAOLO, ESQ. <amied@thejacobsllc.com>; The Jacobs Law LLC Office <office@thejacobsllc.com>

Subject: RE: [External] Correspondence from The Jacobs Law

Dear Mr. Jacobs,

Thank you for speaking with us yesterday. From our conversation, we understood that you were preparing to send us yesterday subpoena responses that your client previously submitted to the parties in the *Airquip* litigation. We have not yet received those responses/documents; can you please confirm whether they have been sent?

Additionally, as we discussed, please let us know your client's availability for deposition. We understood you would be confirming availability for August 22, 23, or 26.

Best,
Beth

M. Elizabeth Howe, Esq.

Federal Trade Commission | Northwest Region

206.220.4476

mhowe@ftc.gov

PUBLIC

From: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>
Sent: Friday, July 29, 2022 9:26 AM
To: Howe, Beth <mhowe@ftc.gov>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>; The Jacobs Law LLC Office <office@thejacobslaw.com>
Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>
Subject: RE: [External] Correspondence from The Jacobs Law

Great, thanks. I'll circulate an invite with our conference call line.

Regards,

Amie DiGiampaolo, Esq.*



36 Bromfield Street, Suite 502
 Boston, Massachusetts 02108
 800.652.4783 (P) / 888.613.1919 (F)
AmieD@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

*Admitted in Massachusetts and New Hampshire

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical

PUBLIC

records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Friday, July 29, 2022 12:17 PM

To: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>; The Jacobs Law LLC Office <office@thejacobslaw.com>

Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>

Subject: RE: [External] Correspondence from The Jacobs Law

Dear Amie,

We are available to speak at 1:00pm Pacific/ 4:00pm Eastern on Monday. Please let us know if you will be circulating conference information; we are happy to circulate a Zoom link if needed.

Best,
Beth

M. Elizabeth Howe, Esq.

Federal Trade Commission | Northwest Region

206.220.4476

mhowe@ftc.gov

From: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>

Sent: Friday, July 29, 2022 8:42 AM

To: Howe, Beth <mhowe@ftc.gov>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>; The Jacobs Law LLC Office <office@thejacobslaw.com>

Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>

Subject: RE: [External] Correspondence from The Jacobs Law

Attorney Howe,

On behalf of Attorney Jacobs, I'm writing to set up a conference call for Monday, 8/1. Are you available at 10 am or 4 pm on Monday?

Thank you,
Amie

Regards,

Amie DiGiampaolo, Esq.*



36 Bromfield Street, Suite 502

Boston, Massachusetts 02108

800.652.4783 (P) / 888.613.1919 (F)

AmieD@TheJacobsLaw.com

www.TheJacobsLaw.com

PUBLICwww.WeKnowBusiness.legal***Admitted in Massachusetts and New Hampshire****FOLLOW TJL ONLINE**

Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Monday, July 18, 2022 8:56 PM

To: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>; The Jacobs Law LLC Office <office@thejacobslaw.com>

Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; MacDonald, Colin <cmacdonald@ftc.gov>

Subject: RE: [External] Correspondence from The Jacobs Law

Counsel,

I'm writing to follow up on my office's conversation with Ms. DiGiampaolo on the afternoon of Friday, July 15 regarding the document and deposition subpoenas issued by Complaint Counsel to Triares, Inc., in *In the Matter of HomeAdvisor, Inc.*, (FTC Docket No. 9407). As Mr. MacDonald agreed on that call, as long as, no later than August 1, 2022, Triares and Complaint Counsel conduct a meet and confer conference, pursuant to 16 C.F.R. 3.22(g), regarding the scope of the subpoenas, Complaint Counsel will not file any motion to compel with respect to the subpoenas, or otherwise deem Triares to be out of compliance with the subpoenas, prior to August 1, 2022.

Sincerely,
Beth Howe

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

PUBLIC

From: MacDonald, Colin <cmacdonald@ftc.gov>
Sent: Friday, July 15, 2022 12:02 PM
To: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Howe, Beth <mhowe@ftc.gov>
Cc: The Jacobs Law LLC Office <office@thejacobslaw.com>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Subject: RE: [External] Correspondence from The Jacobs Law

Counsel,

In my message yesterday, I suggested we have a call next week to discuss how to minimize the inconvenience to your client while ensuring we receive the documents and testimony required in a timely manner. It would be more productive to tether our conversation to particular concerns that your client has. We cannot unilaterally narrow our requests without knowing what categories of responsive materials your client has or how they are kept. Even if Mr. Jacobs is out of the office next week, is there someone from your firm who can speak to members of our team? To be clear, we are not necessarily opposed to any extension or modification, but we cannot acquiesce to a blanket request for a tripling of the response time.

Regards,

Colin D. A. MacDonald (he/him) | Attorney | Federal Trade Commission
Northwest Regional Office | 915 Second Ave., Ste. 2896 | Seattle, WA 98174
Tel.: (206) 220-4474 | Fax: (206) 220-6366 | Web: www.ftc.gov

From: AMIE DIGIAMPAOLO, ESQ. <amied@thejacobslaw.com>
Sent: Friday, July 15, 2022 7:41 AM
To: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Howe, Beth <mhowe@ftc.gov>
Cc: The Jacobs Law LLC Office <office@thejacobslaw.com>; TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Subject: FW: [External] Correspondence from The Jacobs Law

Dear counsel:

I am associate here at The Jacobs Law. Attorney Jacobs is handling this matter, and he is out of the office through next week, returning to the office on Monday, July 25, 2022. Your response to Attorney Jacobs' letter is unfortunate and short-sighted. A review of the Scheduling Order issued in this matter by the Office of ALJ on April 25, 2022, provides that close of discovery occurs on September 6, 2022; it further denotes that June 28, 2022 was the deadline for issuing document requests and subpoenas. Thus, you waited until the deadline to subpoena Triares with broad, extensive, and burdensome requests and which subpoena was only recently served upon Triares. As attorneys, I think we all know that scheduling orders and deadlines are extendable – especially when requests are made jointly. Additionally a review of your rules at 16 C.F.R. s. 3.21(c)(2) allows for such extension upon a showing of good cause. Here, there is clearly good cause for an extension.

Unless you can severely narrow the scope of your requests, Triares cannot comply because of the very short time you have afforded them and because of Attorney Jacobs' absence until July 25, 2022. To be clear, Triares is not refusing to comply; it simply needs additional time to respond to your extensive requests.

Please advise if we can come an agreement on this. Otherwise, emergency motion practice may be necessary. Thank you for your attention to this matter.

Regards,

PUBLIC

Amie DiGiampaolo, Esq.*



36 Bromfield Street, Suite 502
 Boston, Massachusetts 02108
 800.652.4783 (P) / 888.613.1919 (F)
AmieD@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

*Admitted in Massachusetts and New Hampshire

FOLLOW TJL ONLINE

Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: MacDonald, Colin <cmacdonald@ftc.gov>

Sent: Thursday, July 14, 2022 9:50:58 PM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>; The Jacobs Law LLC Office <office@thejacobslaw.com>

Cc: Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Howe, Beth <mhowe@ftc.gov>

Subject: RE: [External] Correspondence from The Jacobs Law

Dear Ms. Lee and Mr. Jacobs,

PUBLIC

Thank you for your letter, as well as your letter to my colleague Sophie Calderón regarding the related subpoena for testimony. Unfortunately, an extension of two months on either the return date or the deposition will not be workable. The relevant Rules of Practice, 16 C.F.R. Part 3, only allow for a very short discovery period. That said, our team is happy to discuss how to obtain the necessary documents and testimony while minimizing any inconvenience to your client. Are you available for a call early next week to discuss both subpoenas? If so, please let us know a few times that would work for you.

I have CCed Sophie, as well as our colleagues Breena Roos and Beth Howe, as I will be out of the office next week. Though I will be checking email, they will likely get back to you faster than I can. Thank you in advance.

Best,
Colin

Colin D. A. MacDonald (he/him) | Attorney | Federal Trade Commission
Northwest Regional Office | 915 Second Ave., Ste. 2896 | Seattle, WA 98174
Tel.: (206) 220-4474 | Fax: (206) 220-6366 | Web: www.ftc.gov

From: The Jacobs Law LLC Office <office@thejacobsllaw.com>
Sent: Thursday, July 14, 2022 11:33 AM
To: MacDonald, Colin <cmacdonald@ftc.gov>
Subject: Correspondence from The Jacobs Law

Attorney MacDonald,

Please see the attached correspondence from Attorney Travis Jacobs. Please feel free to contact him directly at TJacobs@thejacobsllaw.com regarding this matter

Warmest regards,
Taylor Lee, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
Office@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying,

PUBLIC

distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllc.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

PX05

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

In the Matter of)	
)	
)	
HOMEADVISOR, INC., a corporation)	DOCKET NO. 9407
d/b/a ANGI LEADS,)	
d/b/a HOMEADVISOR POWERED BY ANGI.)	
)	

**RESPONSES AND OBJECTIONS OF
NON-PARTY TRIARES INC. TO SUBPOENA DUCES TECUM**

Pursuant to 16 C.F.R. § 3.34 and § 3.37, Triares Inc. (“Triares”), a non-party to this proceeding, hereby objects and responds to the Subpoena Duces Tecum dated June 28, 2022 and served upon its registered agent on or about July 7, 2022 by the Federal Trade Commission (“FTC”) (the “Subpoena”)¹.

GENERAL OBJECTIONS

1. Triares objects to the Subpoena to the extent that it seeks to impose obligations on Triares that exceed or modify the requirements of the FTC’s Rules of Practice, the FTC’s governing regulations, and other applicable rules of procedure.
2. Triares objects to the Subpoena on the grounds that it is overbroad and seeks the production of documents and information that are neither relevant to the subject matter of this proceeding, nor reasonably calculated to yield information relevant to the facts or allegations of the March 11, 2022 complaint (the “Complaint”) against HomeAdvisor Inc d/b/a “Angi Leads”, d/b/a “HomeAdvisor Powered by Angi” (“HomeAdvisor” or “Respondent”), to any proposed relief, or to the defenses of the Respondent. Specifically,

¹ Attorneys for the FTC graciously granted counsel for Triares an extension to respond to the subpoenas due to this counsel’s debilitating COVID-19 infection that followed a pre-planned 10 day trip to Europe.

the FTC seeks information that is entirely unrelated to the key allegations contained in the FTC's complaint including, without limitation, (a) the representations that Respondent made to "Service Providers" concerning the quality, characteristics, and source of Respondent's leads and/or (b) the amounts charged by Respondent to Service Providers for the leads. Notably, the Complaint makes not allegations against or concerning Triares and Triares is not a party to the above-caption action.

3. Triares objects to the Subpoena to the extent that any request (collectively, the "Requests") contained in the Subpoena seek documents that are protected by the attorney-client privilege, work product doctrine, the common interest privilege, prepared in connection with settlement discussions, prepared in anticipation of litigation and other applicable privileges, immunities, protections, restrictions and duties of confidentiality belonging to Triares. To the extent that any production of documents or information is made, any inadvertent production of privileged documents or information in response to the Subpoena is not intended to constitute a waiver of any applicable privilege or protection. Triares demands that the FTC, its agents, and attorneys notify Triares' undersigned counsel of the production of any such documents or information immediately upon discovery of such documents, and return such documents to undersigned counsel upon request.
4. Triares objects to the Subpoena on the grounds that it seeks information or documents that constitute, contain, or refer to trade secrets or other proprietary or confidential business and commercial information of Triares, including commercially and/or competitively sensitive information and any other confidential, sensitive, or private information, or information that would cause substantial competitive damage if disclosed.

5. Triares objects to the Subpoena to the extent it seeks documents and/or data that are the confidential and proprietary information of another third party or the subject of non-disclosure agreements and/or confidentiality agreements with third parties.
6. Triares objects to the Subpoena to the extent it seeks documents and/or data protected by rights to privacy, that is subject to state and/or federal privacy laws, or to the extent that it seeks information subject to the restrictions imposed by laws of the United States of America or other relevant jurisdictions.
7. Triares objects to the Subpoena to the extent that it purports to require the production of documents that are not in its possession, custody, or control and/or documents or information that are no longer in existence.
8. Triares objects to the Subpoena to the extent that the documents, data and/or information sought is unreasonably cumulative or duplicative or is obtainable from another source including, without limitation, the Respondent, that is more convenient, less burdensome, and/or less expensive.
9. Triares objects to the Subpoena to the extent that it places the unreasonable burden of production on a non-party such as Triares before the FTC has exhausted its efforts to obtain such documents, data and/or information from the Respondent. *See e.g. Echostar Commc'ns Corp. v. News Corp.*, 180 F.R.D. 391, 395 (D. Colo. 1998).
10. Triares, Inc. objects to the Requests that seek information relating to the Respondent on the grounds that they are overly broad, and may be obtained directly from the Respondent if such documents or information exist, and without cost, expense or burden to non-party, Triares Inc.

11. Triares objects to the Subpoena on the grounds that the Requests are not limited to a reasonable time period.
12. Triares objects to the Subpoena to the extent that it seeks information concerning “all documents”, “each version” or the like on the basis that providing a response to such Requests would be unduly burdensome.
13. Triares objects to the Subpoena to the extent it purports to impose a duty on Triares to undertake a search for information beyond a reasonably diligent search of its files where information responsive to the Requests would reasonably be expected to be found.
14. Triares objects to the Requests to the extent that it is vague, ambiguous, confusing, and contrary to the plain meaning of the terms involved or utilizes capitalized terms which are not adequately or plainly defined.
15. Triares, Inc. objects to Definition #5 of “Consumer-Specific Information” as vague and ambiguous, especially when read in conjunction with Definition #5 of “Person”.
16. Triares, Inc. objects to Definition #9 of “Service Provider” as vague and confusing, especially whereas Triares is not involved in and has no knowledge of the Persons who purchase a “membership” from Respondent.
17. Triares, Inc. objects to Definition #10 of “You”, “Your” and “Yourself” as unduly broad and burdensome, referring to a potentially broad group of entities, agents and individuals acting on behalf of Triares, Inc. including former employees and other parties unlikely to have documents responsive or relevant to the Subpoena or the facts and allegations of the Complaint.

18. Triares, Inc. objects to the Subpoena to the extent that it seeks information or documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Fed.Rules Civ.Proc.Rule 26(b)(1).
19. Triares, Inc. objects to the Subpoena to the extent it seeks information that is subject to confidentiality agreements, or to the extent that it seeks information subject to confidentiality restrictions or imposed by, or exempt from production pursuant to, court order, or laws of the United States of America or other relevant jurisdictions.
20. Triares Inc. incorporates by reference the General Objections set forth above into each of its responses, whether or not repeated therein, as well as any specifically stated objections. Triares Inc. may repeat a general objection for emphasis or some other reason, but the failure to do so does not waive any general objection to the Subpoena. Triares Inc. does not waive its right to amend its objections or responses. Triares Inc.'s willingness to provide any of the requested responses or information is not an admission that such request, response, data or information are relevant and/or admissible.

SPECIFIC OBJECTIONS AND RESPONSES

REQUEST NO. 1:

Each version of any web-page or other consumer-facing interface, whether electronic or physical, by which **You** obtained **Consumer-Specific Information** that **You** subsequently provided to **HomeAdvisor**.

RESPONSE TO REQUEST NO. 1:

In addition to and in express reliance on the General Objections set forth above, Triares, Inc. objects to this Request on the grounds that it is overly broad and unduly burdensome. Triares objects to this Request on the grounds that it is not reasonably limited in time or scope. *See Andra Grp., LP v. JDA Software Grp., Inc.*, 312 F.R.D. 444, 450 (N.D. Tex. 2015) (noting that a Court may find that a subpoena presents an undue burden when the subpoena is facially overbroad).

Moreover, Triares Inc. objects to this Request to the extent it seeks information that is not relevant to any claim or defense of any party in this action, and/or not reasonably calculated to lead to the discovery of admissible evidence.

Triares also objects to this Request to the extent it seeks information or documents that constitute, contain, or refer to trade secrets or other confidential business and commercial information of Triares, including proprietary information or commercially and/or competitively sensitive information. The FTC does not allege, nor is there any evidence to suggest, that Triares communicated any service requests or made any of the alleged representations to any “Service Provider” of the Respondent during the relevant time period, or at any other time. Triares treats the documents and/or information sought in this Request as highly confidential, proprietary, and competitively sensitive business information – a trade secret that Triares protects from both competitors and the public at large, and Triares has not disclosed such information to the Respondent.

The Subpoena seeks Triares’ highly confidential, proprietary, and competitively sensitive business information and trade secrets despite the fact that Triares (a) protects such materials and data from disclosure to any third party including, without limitation, the Respondent, *and* (b) has never provided such materials or data to Respondent *nor* permitted Respondent to access such materials or data. Thus, neither the “web-page or other consumer-facing interface”, the content thereon nor the URLs associated therewith would be known to or reviewed by Respondent, and therefore such materials and information have no relevance to any of the claims, issues or defenses raised in the above-captioned action. Although the fact that Triares protects such materials and data as highly confidential, proprietary, and competitively sensitive business information and trade

secrets may, itself, be relevant to the allegations in the Complaint, the underlying materials and data sought by the Subpoena are irrelevant and immaterial.

Although Triares recognizes that a protective order was entered in this action on March 14, 2022, it is not clear that the federal court's records storage systems are sufficiently secure to protect Triares' highly confidential, proprietary, and competitively sensitive business information and trade secrets from unauthorized disclosure. It has been widely reported as recently as July 28, 2022, that the U.S. Dept. of Justice continues to investigate a massive data breach of the U.S. federal courts system that extends as far back as 2020. See Josh Gerstein, "Justice Department Investigating Data Breach of Federal Court System." *Politico.com*. July 28, 2022, www.politico.com/news/2022/07/28/justice-department-data-breach-federal-court-system-00048485 Accessed August 15, 2022. The Administrative Office of the U.S. Courts ("AO") published a statement on January 6, 2021 concerning the breach that read in relevant part:

The AO is working with the Department of Homeland Security on a security audit relating to **vulnerabilities in the Judiciary's Case Management/Electronic Case Files system (CM/ECF) that greatly risk compromising highly sensitive non-public documents stored on CM/ECF, particularly sealed filings**. An apparent compromise of the confidentiality of the CM/ECF system due to these discovered vulnerabilities currently is under investigation. Due to the nature of the attacks, the review of this matter and its impact is ongoing. (emphasis added).

See "Judiciary Addresses Cybersecurity Breach: Extra Safeguard to Protect Sensitive Court Records." *USCourts.gov*. January 6, 2021, www.uscourts.gov/news/2021/01/06/judiciary-addresses-cybersecurity-breach-extra-safeguards-protect-sensitive-court Accessed August 17, 2022.

It is not yet clear that the 'security audit' has been completed or that the vulnerabilities identified in the AO's statement have been fully addressed or resolved.

Given that Triares is a non-party to this action, the Subpoena seeks highly confidential, proprietary, and competitively sensitive business information and trade secrets which are not relevant to the claims, issues or defenses raised in this action, and the burden of disclosure to Triares, Triares further objects to the Request on the grounds that such proprietary information and trade secrets may be at far greater risk of unauthorized disclosure if produced. Thus, Triares objects on the grounds that the injury that may result from disclosure far outweighs the need, if any exists, for the proprietary and competitively sensitive business information and trade secrets sought by the Subpoena.

Finally, Triares objects to this Request on the grounds that the burden of producing the requested documents is disproportionate to, and outweighs the needs of, the case. *See FTC. v. Bowman*, 149 F. Supp. 624, 629–30 (N.D. Ill.), *aff'd*, 248 F.2d 456 (7th Cir. 1957) (whether or not requested information is or may be relevant to a pending proceeding, the imposition of a heavy burden upon non-party should be avoided and is a ground for an order limiting the duty to produce).

REQUEST NO. 2:

To the extent that any **Document** identified and produce in response to Request for Production No. 1 was made available by **You** at an internet address, and the Uniform Resource Locator (URL) for that internet address is not included within the **Document**, **Documents** sufficient to show the URL at which the **Document** is or was located.

RESPONSE TO REQUEST NO. 2:

In addition to and in express reliance on the General Objections set forth above, Triares, Inc. objects to this Request on the grounds that it is overly broad and unduly burdensome. Moreover, Triares Inc. objects to this Request to the extent it seeks information that is not relevant to any claim or defense of any party in this action, and/or not reasonably calculated to lead to the discovery of admissible evidence.

Triares also objects to this Request to the extent it seeks information or documents that constitute, contain, or refer to trade secrets or other confidential business and commercial information of Triares, including proprietary information or commercially and/or competitively sensitive information. The FTC does not allege, nor is there any evidence to suggest, that Triares communicated any service requests or made any of the alleged representations to any “Service Provider” of the Respondent during the relevant time period, or at any other time. Triares treats the documents and/or information sought in this Request as highly confidential, proprietary, and competitively sensitive business information – a trade secret that Triares protects from both competitors and the public at large, and Triares has not disclosed such information to the Respondent.

The Subpoena seeks Triares’ highly confidential, proprietary, and competitively sensitive business information and trade secrets despite the fact that Triares (a) protects such materials and data from disclosure to any third party including, without limitation, the Respondent, *and* (b) has never provided such materials or data to Respondent *nor* permitted Respondent to access such materials or data. Thus, neither the “web-page or other consumer-facing interface”, the content thereon nor the URLs associated therewith would be known to or reviewed by Respondent, and therefore such materials and information have no relevance to any of the claims, issues or defenses raised in the above-captioned action. Although the fact that Triares protects such materials and data as highly confidential, proprietary, and competitively sensitive business information and trade secrets may, itself, be relevant to the allegations in the Complaint, the underlying materials and data sought by the Subpoena are irrelevant and immaterial.

Although Triares recognizes that a protective order was entered in this action on March 14, 2022, it is not clear that the federal court’s records storage systems are sufficiently secure to protect

Triares' highly confidential, proprietary, and competitively sensitive business information and trade secrets from unauthorized disclosure. It has been widely reported as recently as July 28, 2022, that the U.S. Dept. of Justice continues to investigate a massive data breach of the U.S. federal courts system that extends as far back as 2020. See Josh Gerstein, "Justice Department Investigating Data Breach of Federal Court System." *Politico.com*. July 28, 2022, www.politico.com/news/2022/07/28/justice-department-data-breach-federal-court-system-00048485 Accessed August 15, 2022. The Administrative Office of the U.S. Courts ("AO") published a statement on January 6, 2021 concerning the breach that read in relevant part:

The AO is working with the Department of Homeland Security on a security audit relating to **vulnerabilities in the Judiciary's Case Management/Electronic Case Files system (CM/ECF) that greatly risk compromising highly sensitive non-public documents stored on CM/ECF, particularly sealed filings**. An apparent compromise of the confidentiality of the CM/ECF system due to these discovered vulnerabilities currently is under investigation. Due to the nature of the attacks, the review of this matter and its impact is ongoing. (emphasis added).

See "Judiciary Addresses Cybersecurity Breach: Extra Safeguard to Protect Sensitive Court Records." *USCourts.gov*. January 6, 2021, www.uscourts.gov/news/2021/01/06/judiciary-addresses-cybersecurity-breach-extra-safeguards-protect-sensitive-court Accessed August 17, 2022.

It is not yet clear that the 'security audit' has been completed or that the vulnerabilities identified in the AO's statement have been fully addressed or resolved.

Given that Triares is a non-party to this action, the Subpoena seeks highly confidential, proprietary, and competitively sensitive business information and trade secrets which are not relevant to the claims, issues or defenses raised in this action, and the burden of disclosure to Triares, Triares further objects to the Request on the grounds that such proprietary information and trade secrets may be at far greater risk of unauthorized disclosure if produced. Thus, Triares objects

on the grounds that the injury that may result from disclosure far outweighs the need, if any exists, for the proprietary and competitively sensitive business information and trade secrets sought by the Subpoena.

Triares objects to this Request on the grounds that the burden of producing the requested documents is disproportionate to, and outweighs the needs of, the case. *See FTC. v. Bowman*, 149 F. Supp. 624, 629–30 (N.D. Ill.), *aff'd*, 248 F.2d 456 (7th Cir. 1957) (whether or not requested information is or may be relevant to a pending proceeding, the imposition of a heavy burden upon non-party should be avoided and is a ground for an order limiting the duty to produce).

Finally, Triares further objects to this Request as unreasonably cumulative or duplicative to the extent the Request calls for the same information as Request No. 1. See also Response to Request No. 1.

REQUEST NO. 3:

Documents sufficient to show all discrete categories of **Consumer-Specific Information** (e.g. name, address, phone, e-mail address, specific home project needs) that **You** provide or have provided to **HomeAdvisor**.

RESPONSE TO REQUEST NO. 3:

In addition to and in express reliance on the General Objections set forth above, Triares, Inc. objects to this Request on the grounds that it is overly broad and unduly burdensome. Triares objects to this Request on the grounds that it is not reasonably limited in time or scope. *See Andra Grp., LP v. JDA Software Grp., Inc.*, 312 F.R.D. 444, 450 (N.D. Tex. 2015) (noting that a Court may find that a subpoena presents an undue burden when the subpoena is facially overbroad).

Triares Inc. objects to this Request to the extent it seeks information that is not relevant to any claim or defense of any party in this action, and/or not reasonably calculated to lead to the discovery of admissible evidence. Triares also objects to this Request to the extent it seeks

documents and/or data that are the confidential and proprietary information of another third party or the subject of non-disclosure agreements and/or confidentiality agreements with third parties. Triares objects to this Request to the extent that it seeks information outside of Triares' possession, custody or control, and Triares objects to this Request to the extent that it seeks information that may be obtained from another source that is more convenient, less burdensome, and/or less expensive including, without limitation, the Respondent. The same information could be obtained without cost, expense or burden to Triares Inc. through a discovery request directed to the Respondent in the above-captioned action. Finally, Triares objects to this Request on the grounds that the burden of producing the requested documents is disproportionate to, and outweighs the needs of, the case.

Subject to and without waiving its Specific and General Objections to this Request, Triares has produced responsive, non-privileged information within its possession, custody, or control and located after a reasonably diligent search, to the extent that Triares comprehends the Request, and subject to the following limitations: to the extent that any discrete categories of data are transmitted by Triares to Respondent it does not necessarily mean a transmission contains data for all categories at all times, and the categories of data transmitted may differ for each transmission.

REQUEST NO. 4:

All **Consumer-Specific Information You** provided to **HomeAdvisor** in September 2020.

RESPONSE TO REQUEST NO. 4:

In addition to and in express reliance on the General Objections set forth above, Triares, Inc. objects to this Request on the grounds that it is overly broad and unduly burdensome. Moreover, Triares Inc. objects to this Request to the extent it seeks information that is not relevant

to any claim or defense of any party in this action, and/or not reasonably calculated to lead to the discovery of admissible evidence. Triares also objects to this Request to the extent it seeks documents and/or data that are the confidential and proprietary information of another third party or the subject of non-disclosure agreements and/or confidentiality agreements with third parties. Triares objects to this Request to the extent that it seeks information that may be obtained from another source that is more convenient, less burdensome, and/or less expensive including, without limitation, the Respondent. The same information could be obtained without cost, expense or burden to Triares Inc. through a discovery request directed to the Respondent in the above-captioned action. *See Echostar Commc'ns Corp. v. News Corp.*, 180 F.R.D. 391, 395 (D. Colo. 1998) (where the Court concluded the requesting party had not demonstrated a “substantial need” because the materials sought from the non-party were as readily available from the other party to the action as they were from non-parties, and the requesting party “had not yet exhausted its efforts to seek production of such materials from” the other party).

Finally, Triares objects to this Request on the grounds that the burden of producing the requested documents is disproportionate to, and outweighs the needs of, the case.

REQUEST NO. 5:

All complaints **You** have received from third parties, including **Service Providers** and **Persons** whose **Customer-Specific Information You** obtained, regarding Your provision of **Consumer-Specific Information to HomeAdvisor**.

RESPONSE TO REQUEST NO. 5:

In addition to and in express reliance on the General Objections set forth above, Triares, Inc. objects to this Request on the grounds that it is overly broad and unduly burdensome. Triares objects to this Request on the grounds that it is not reasonably limited in time or scope. *See Andra*

Grp., LP v. JDA Software Grp., Inc., 312 F.R.D. 444, 450 (N.D. Tex. 2015) (noting that a Court may find that a subpoena presents an undue burden when the subpoena is facially overbroad).

Moreover, Triares Inc. objects to this Request to the extent it seeks information that is not relevant to any claim or defense of any party in this action, and/or not reasonably calculated to lead to the discovery of admissible evidence. Triares also objects to this Request to the extent it seeks documents and/or data that are the confidential and proprietary information of another third party or the subject of non-disclosure agreements and/or confidentiality agreements with third parties. Triares objects to this Request to the extent that it seeks information that may be obtained from another source that is more convenient, less burdensome, and/or less expensive including, without limitation, the Respondent. The same information could be obtained without cost, expense or burden to Triares Inc. through a discovery request directed to the Respondent in the above-captioned action. *See Echostar Commc'ns Corp. v. News Corp.*, 180 F.R.D. 391, 395 (D. Colo. 1998) (where the Court concluded the requesting party had not demonstrated a “substantial need” because the materials sought from the non-party were as readily available from the other party to the action as they were from non-parties, and the requesting party “had not yet exhausted its efforts to seek production of such materials from” the other party).

Triares objects to this Request on the grounds that the burden of producing the requested documents is disproportionate to, and outweighs the needs of, the case. Triares objects to the Request as vague and confusing due in part to the undefined, but capitalized term “Customer-Specific Information”, whereas Triares does not engage or have any contractual relationship with Respondent’s customers or “Service Providers”, does not obtain their information and, further, has no knowledge of the Persons who purchase a “membership” from Respondent.

PUBLIC

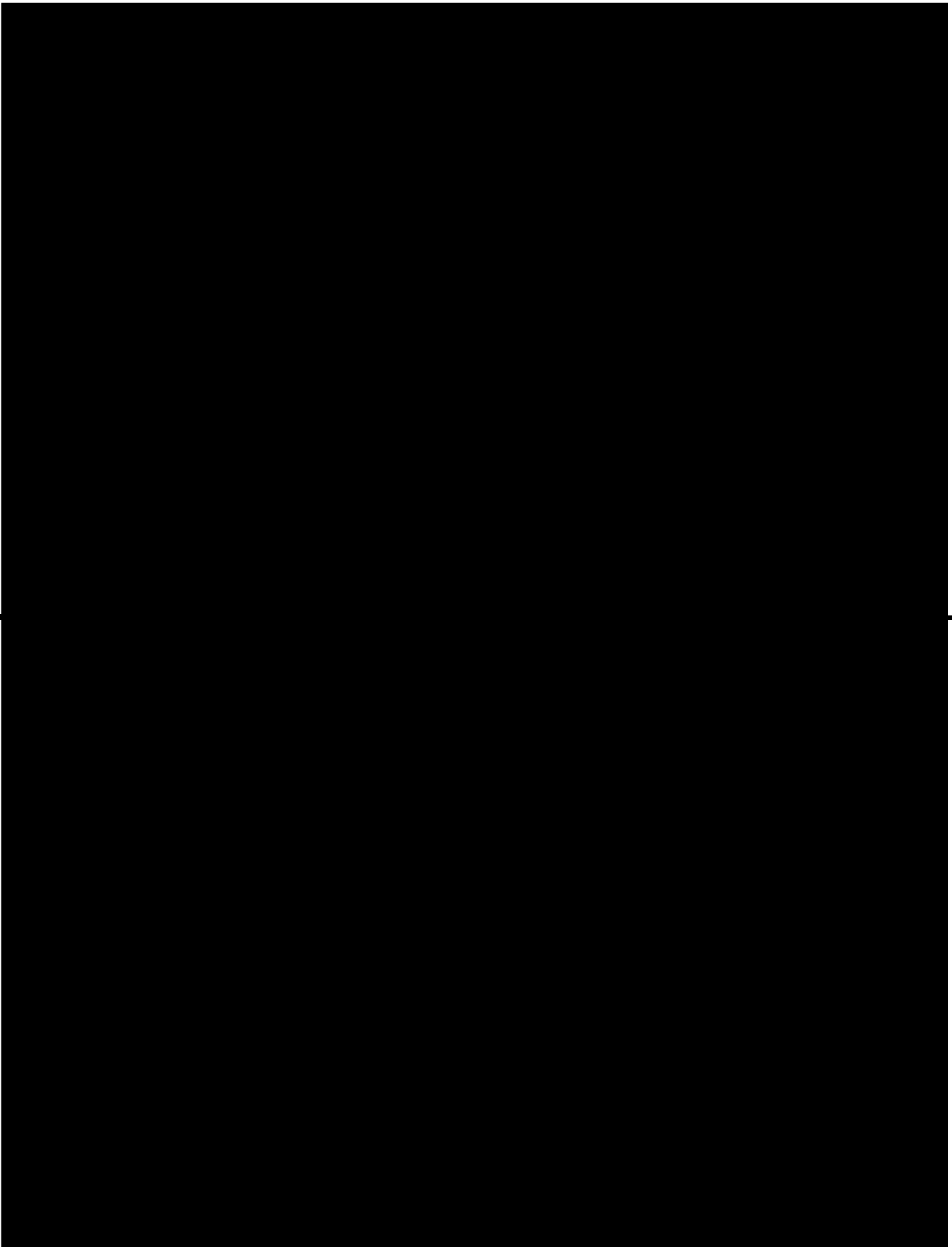
ATTORNEY FOR TRIARES, INC.
THE JACOBS LAW, LLC

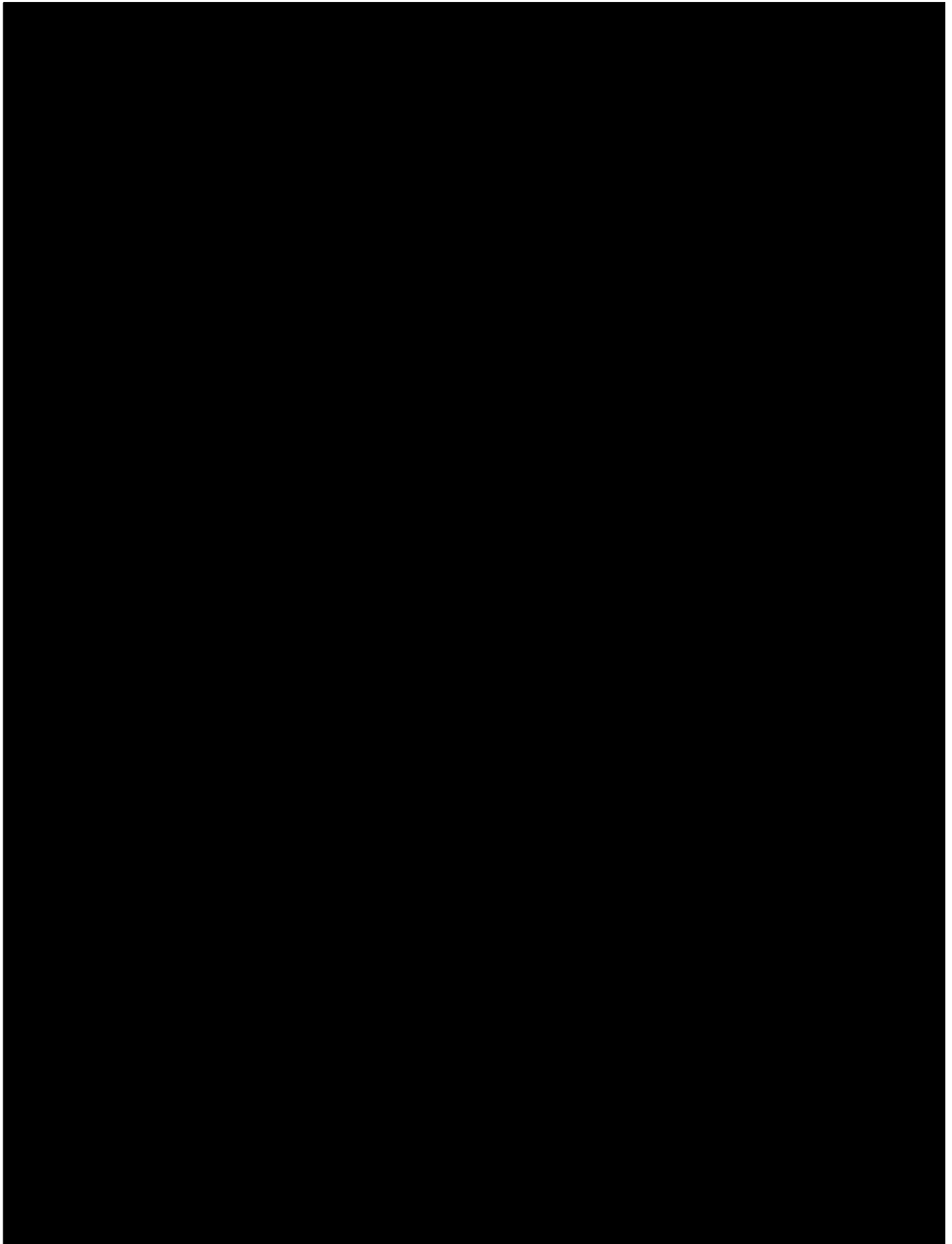
By: */s/ Travis J. Jacobs, Esq.*

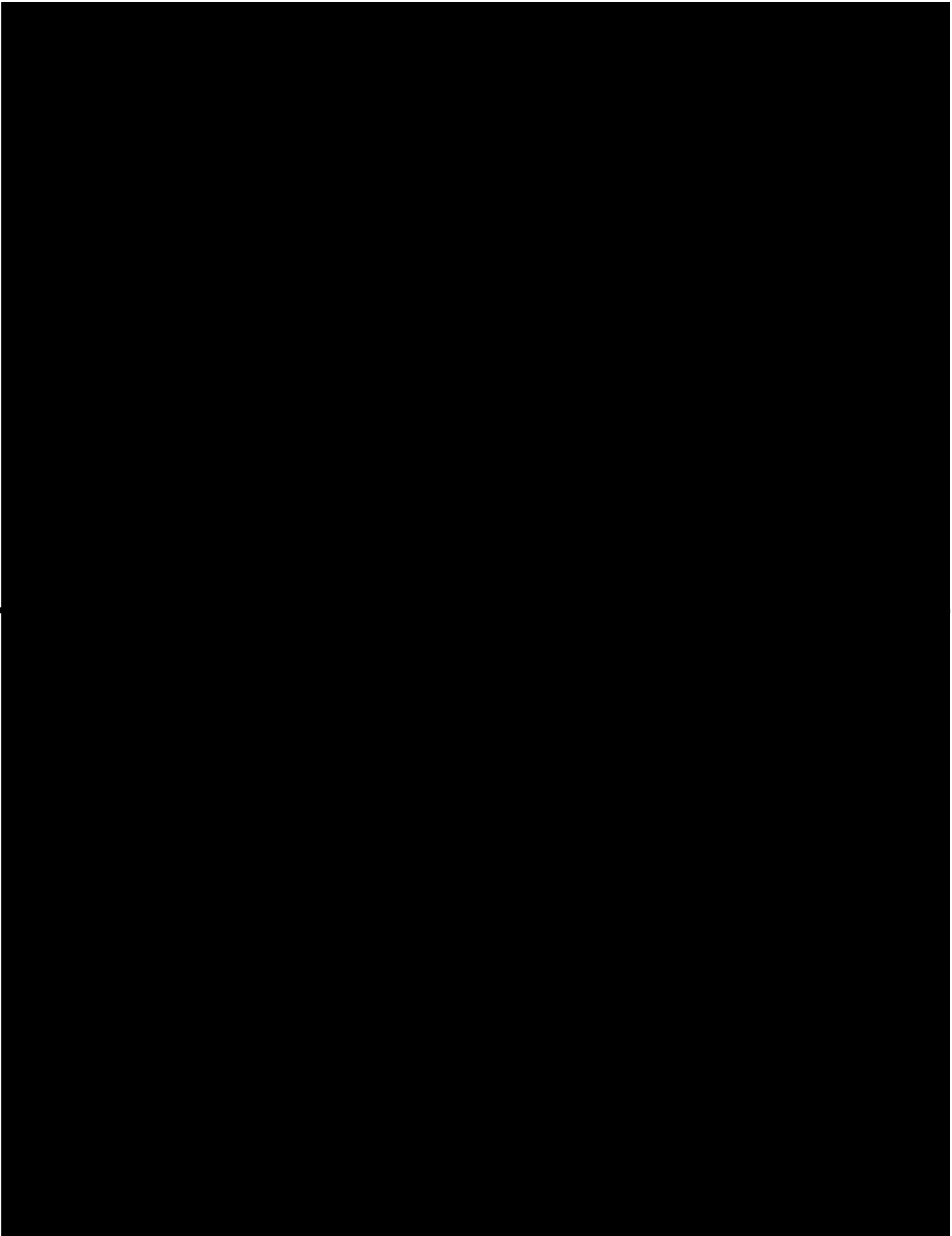
DATED: 8/17/2022

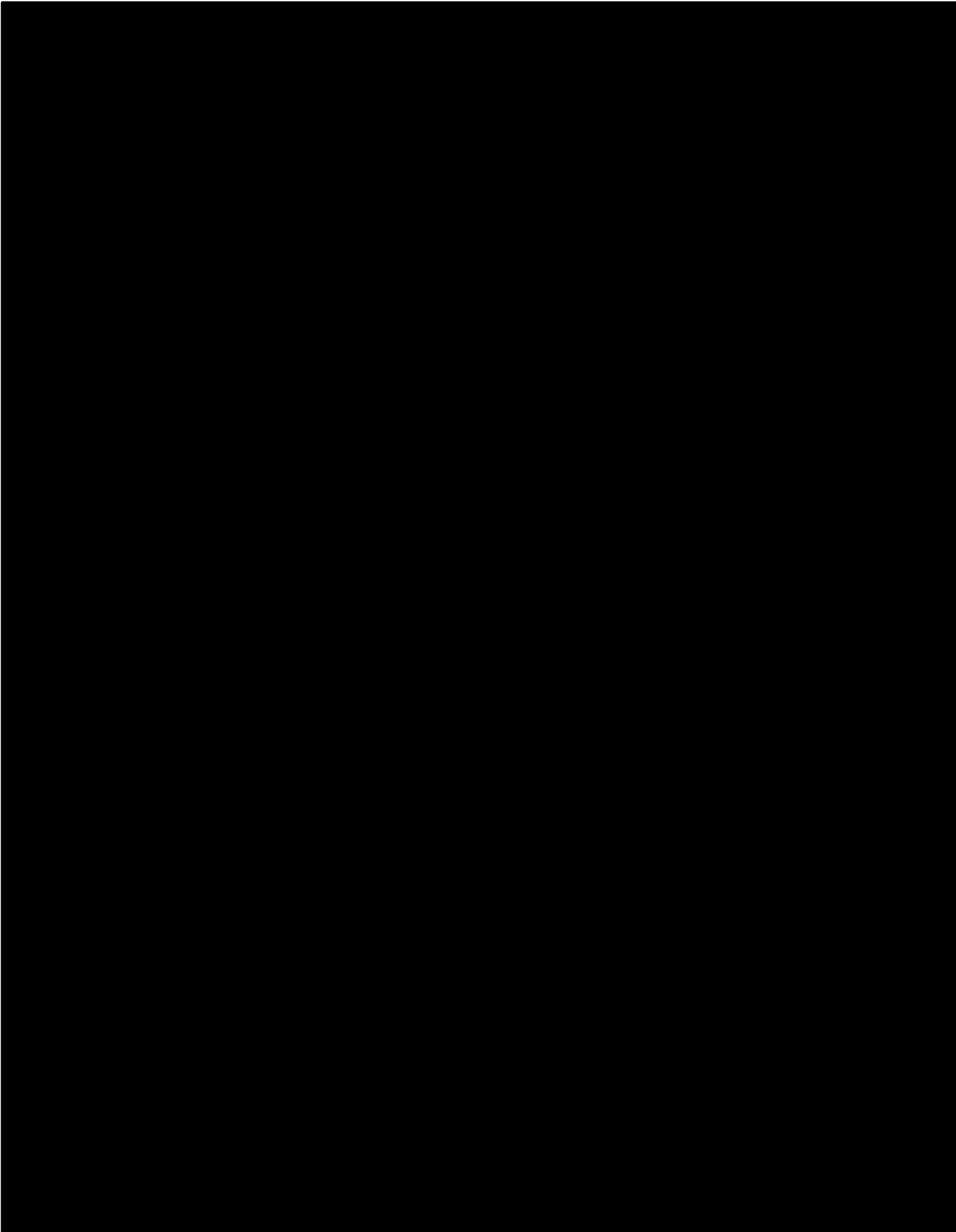
Travis J. Jacobs, BBO# 671921
The Jacobs Law, LLC
36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800-652-4783 (P) / 888-613-1919 (F)
TJacobs@TheJacobsLaw.com

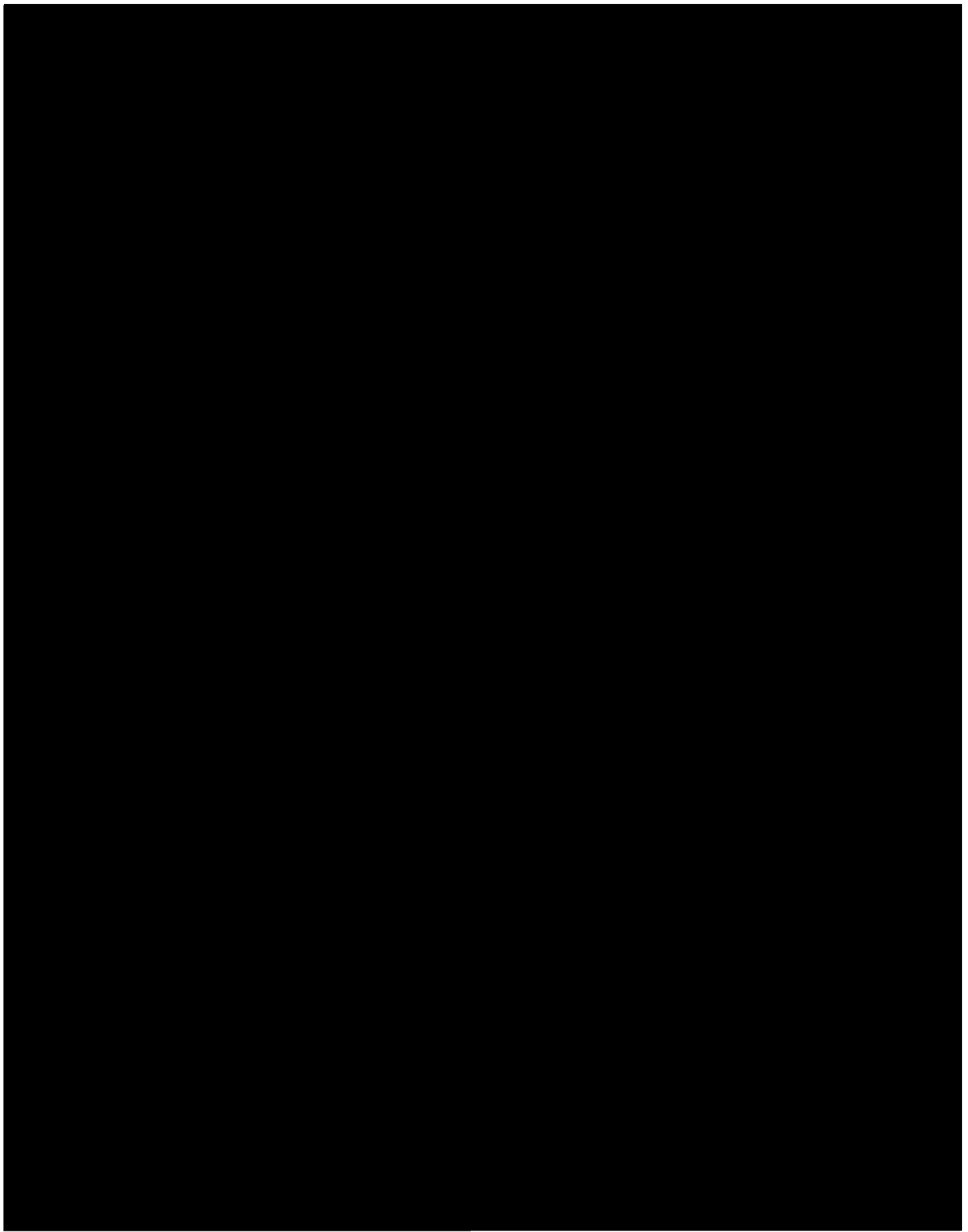
PUBLIC

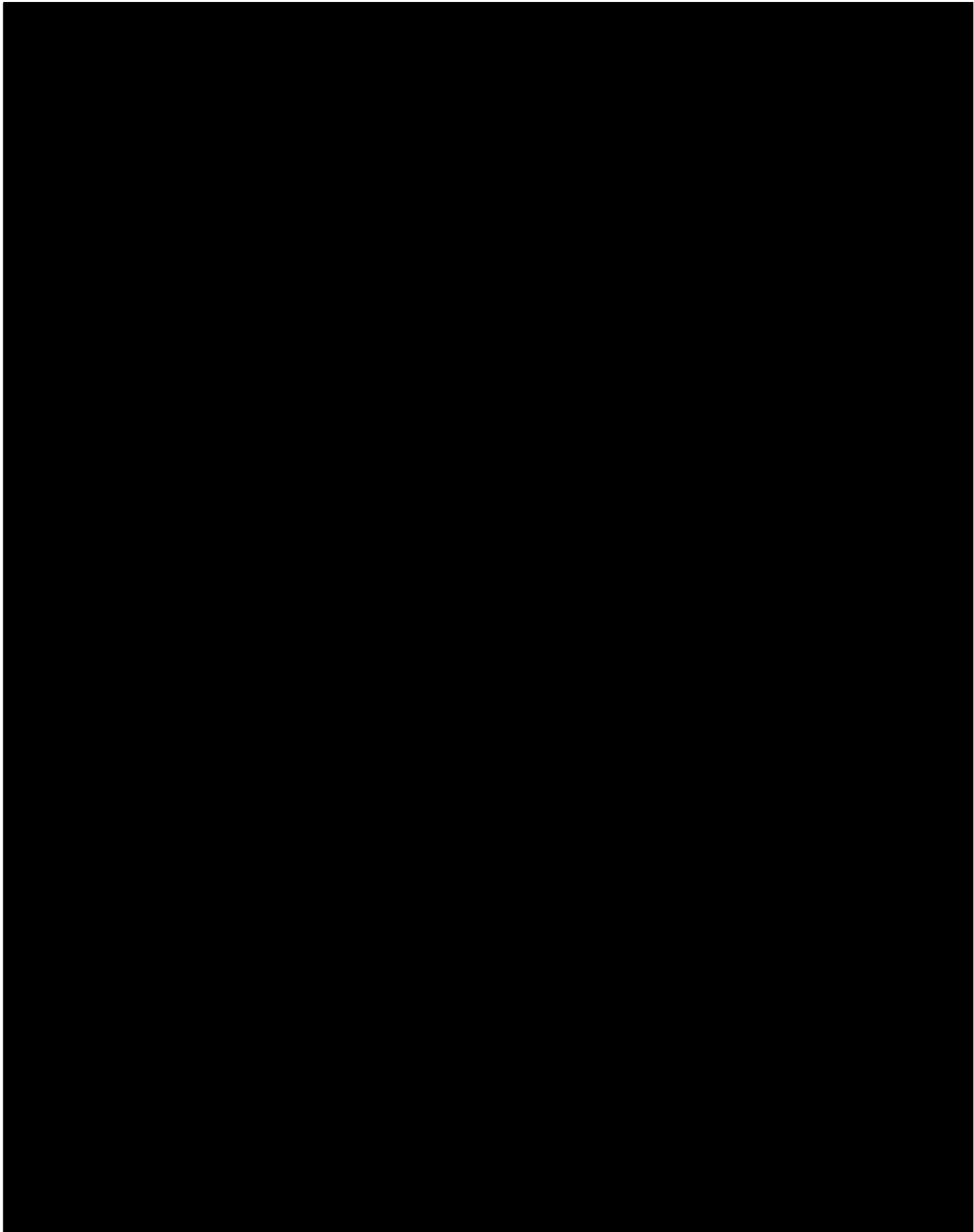




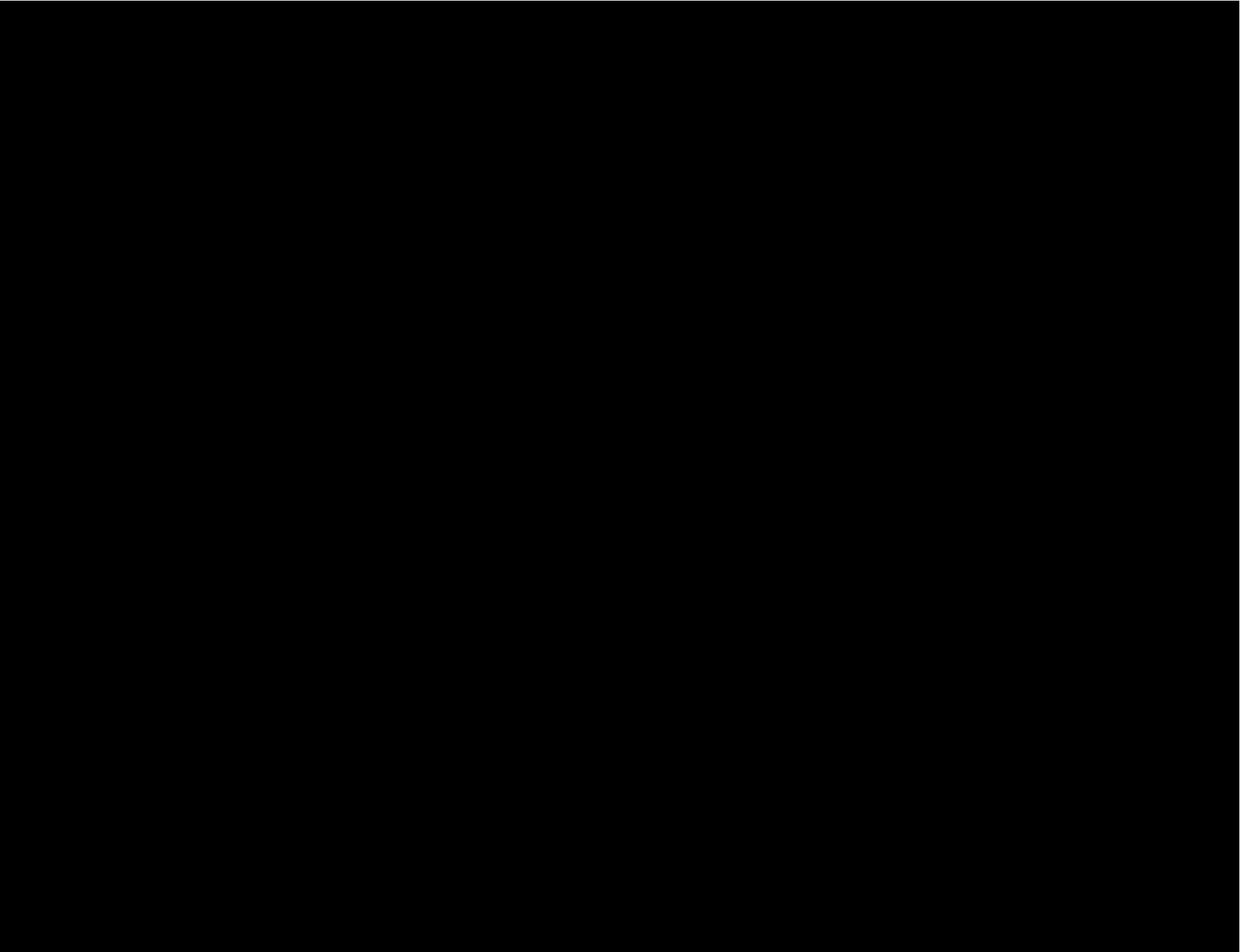




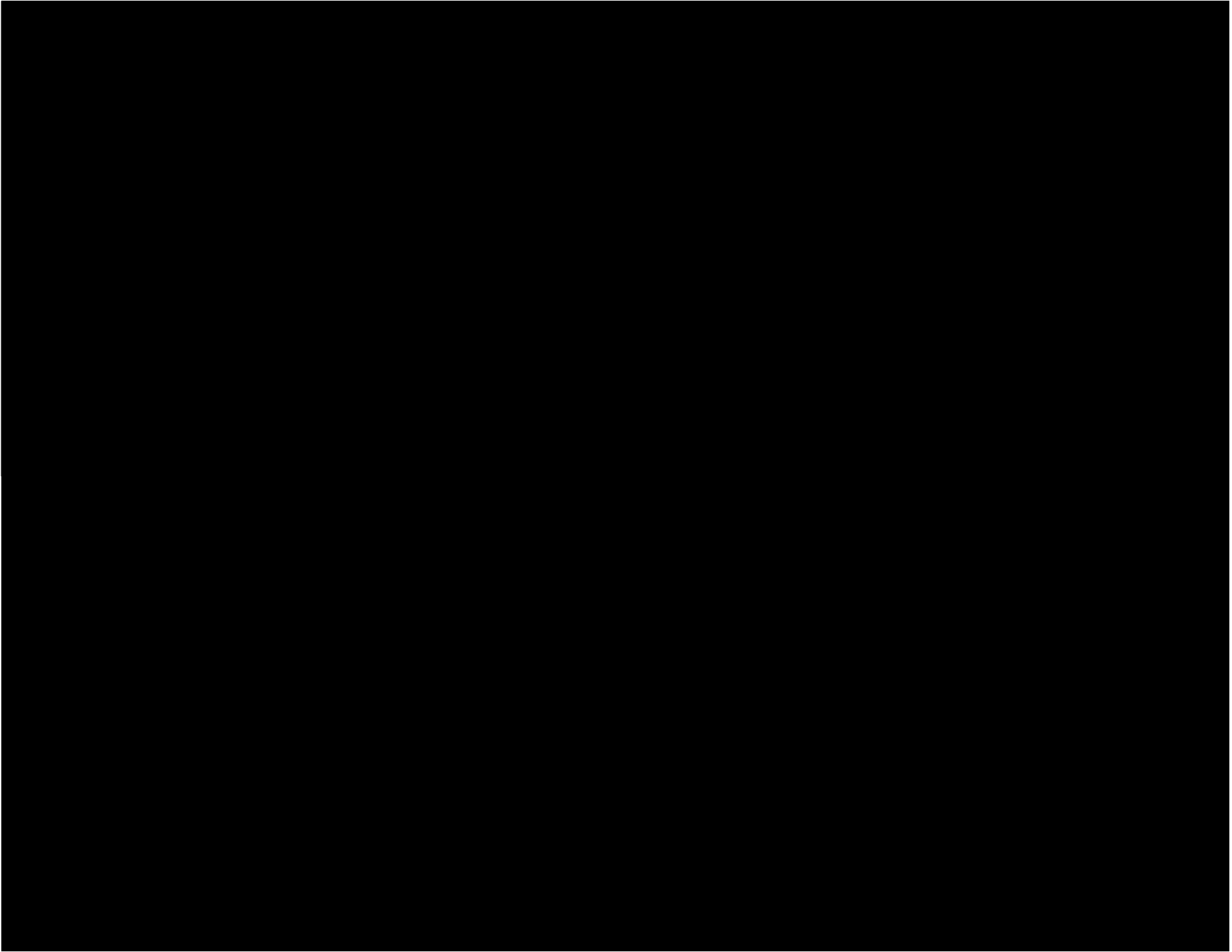


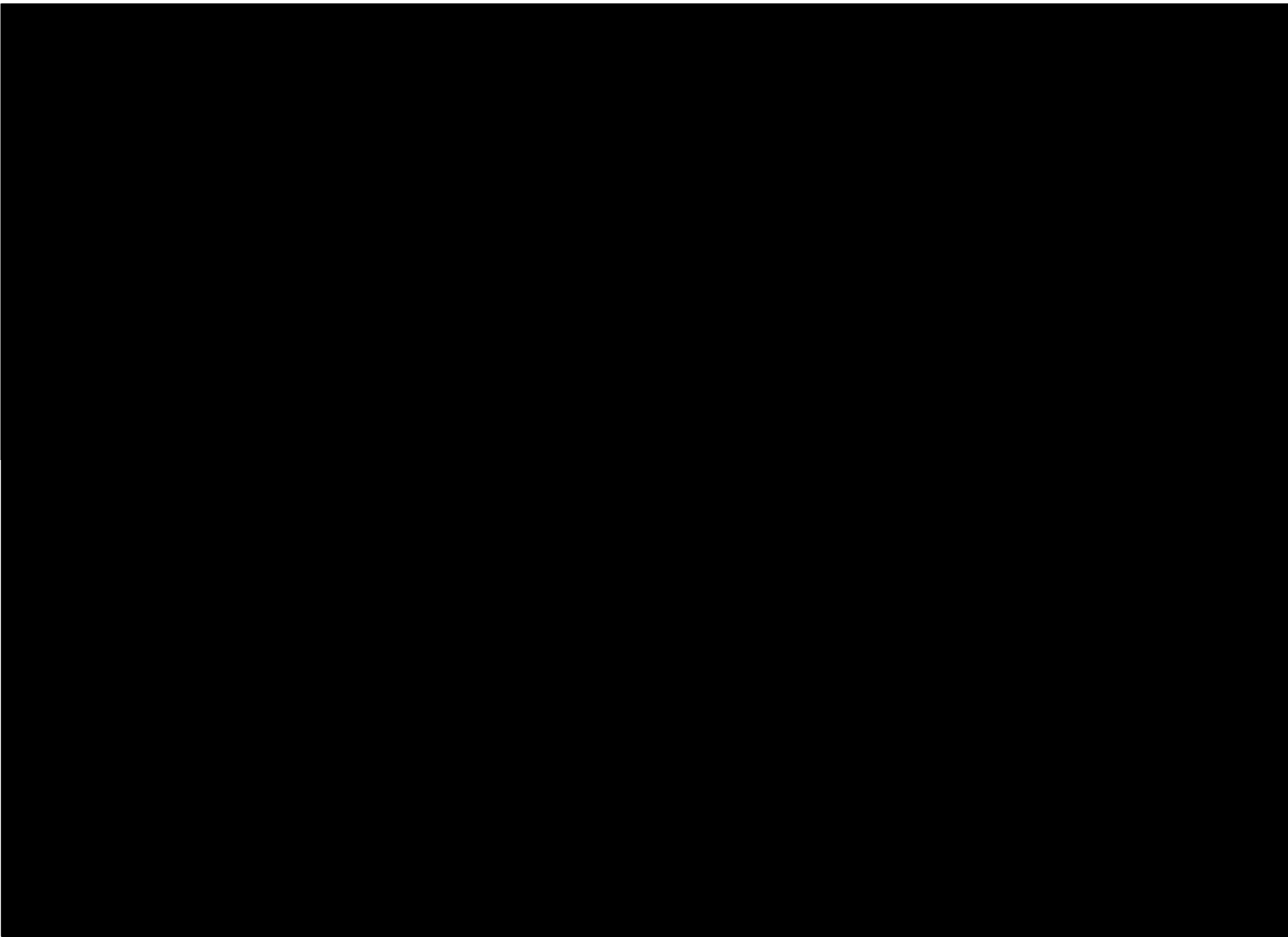


PUBLIC

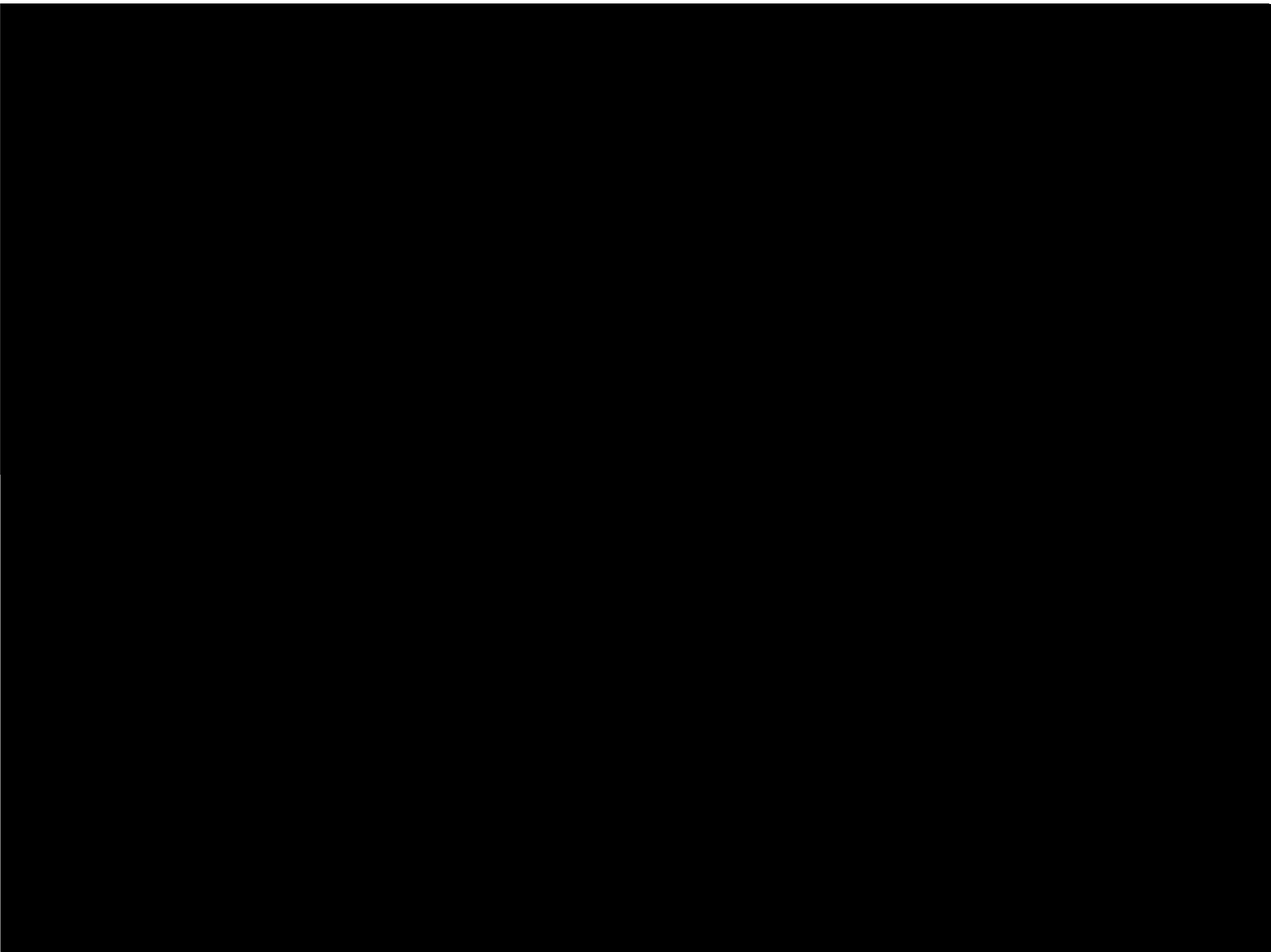


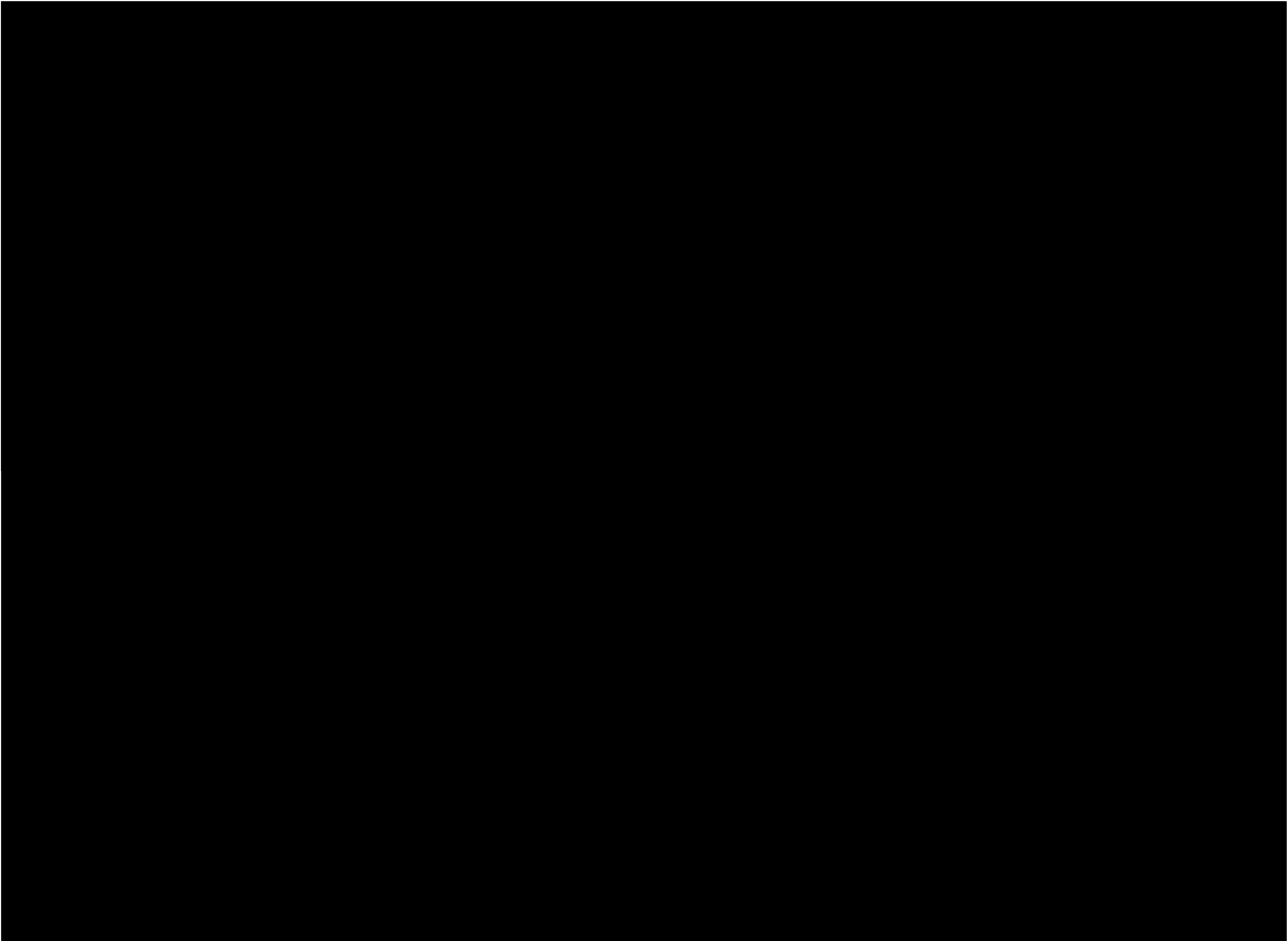
PUBLIC

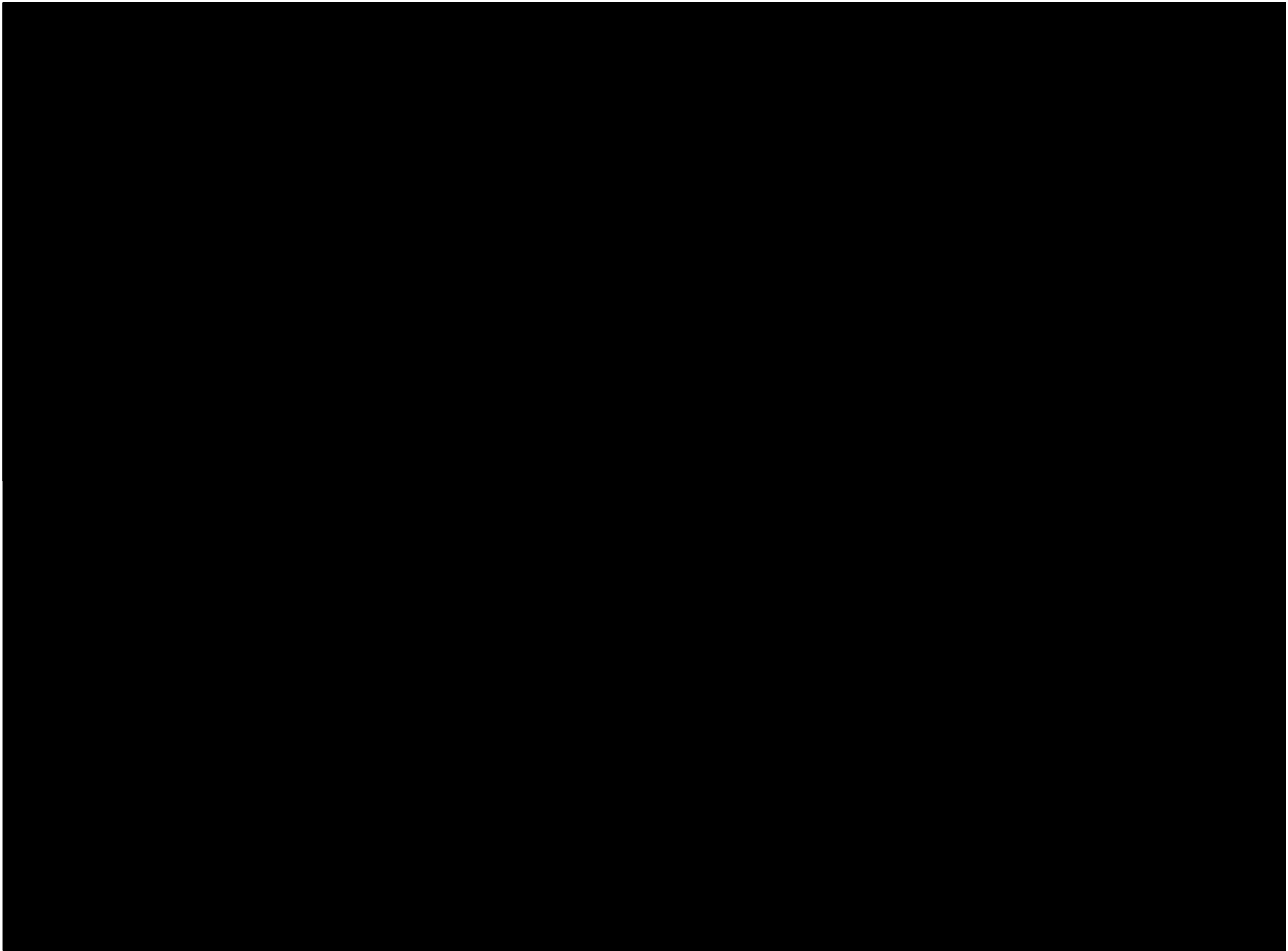


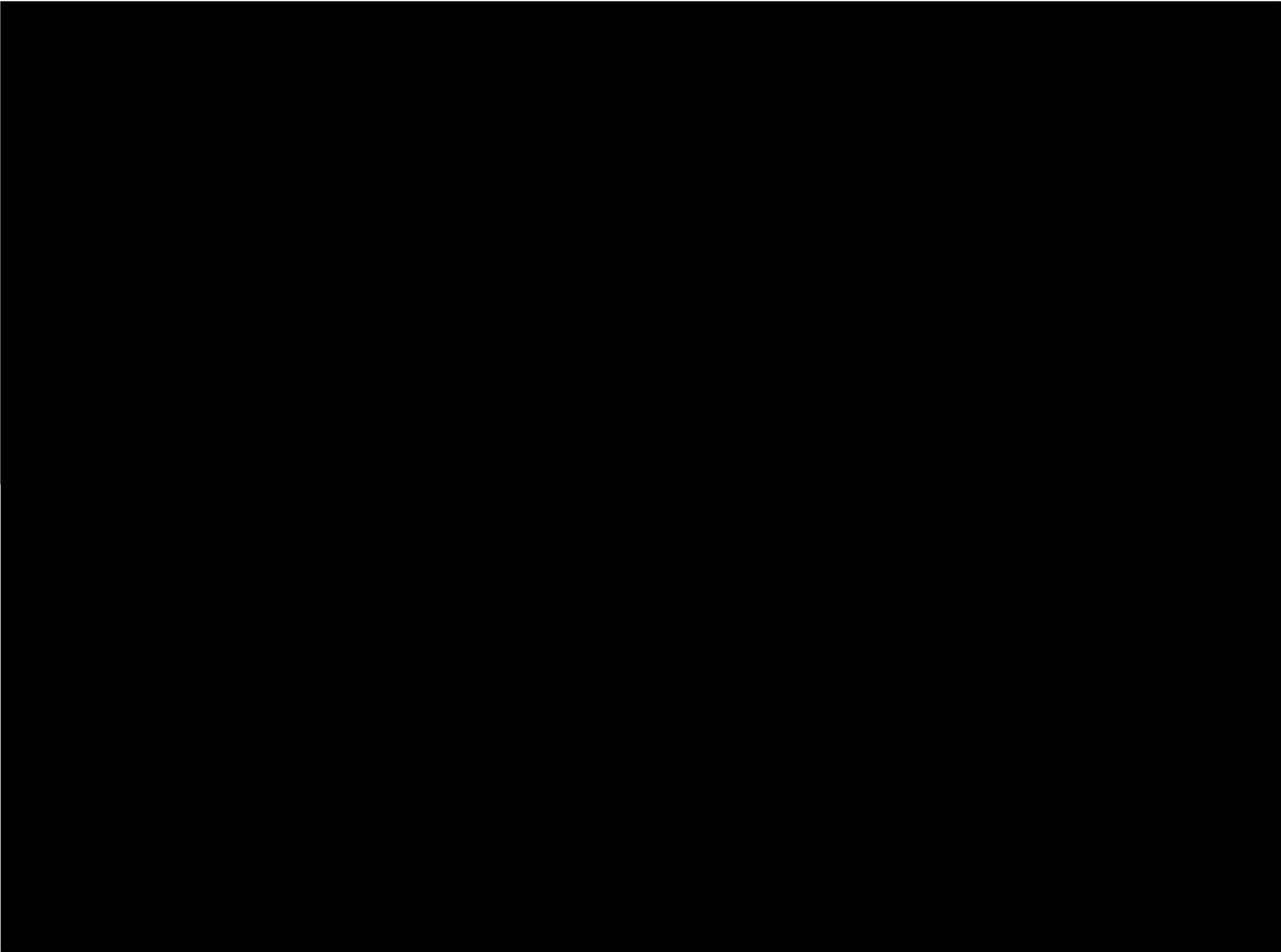


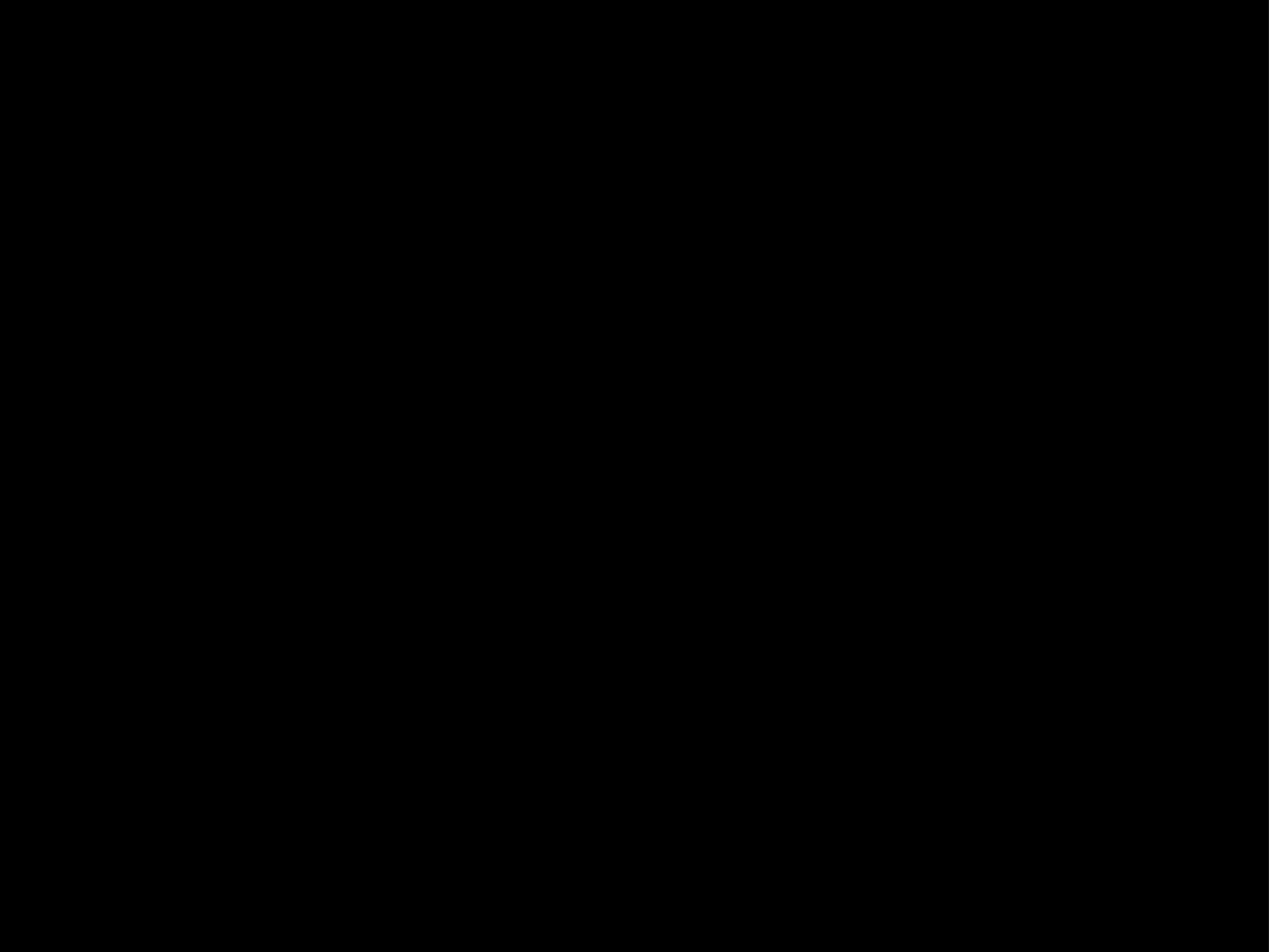
PUBLIC

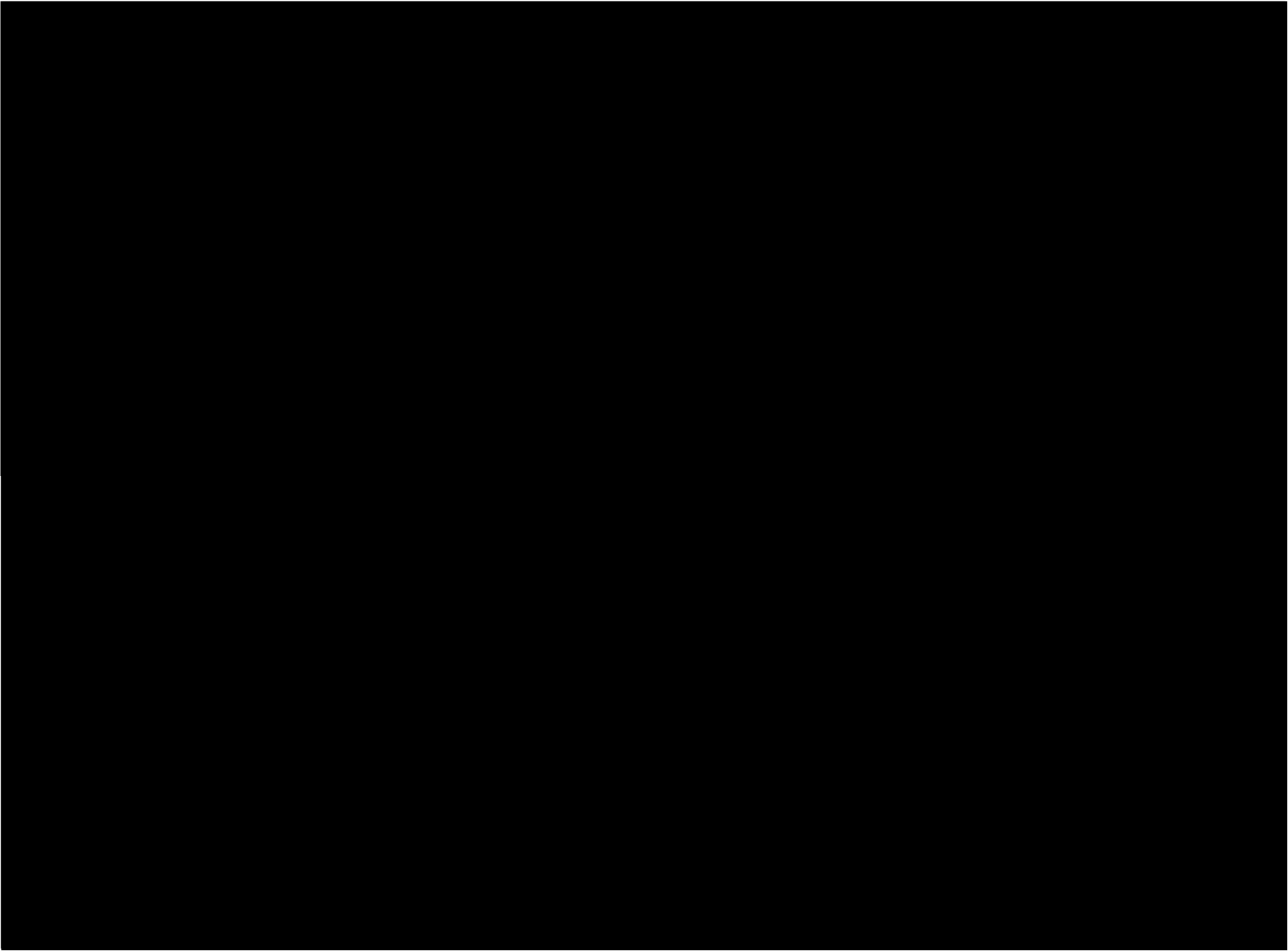


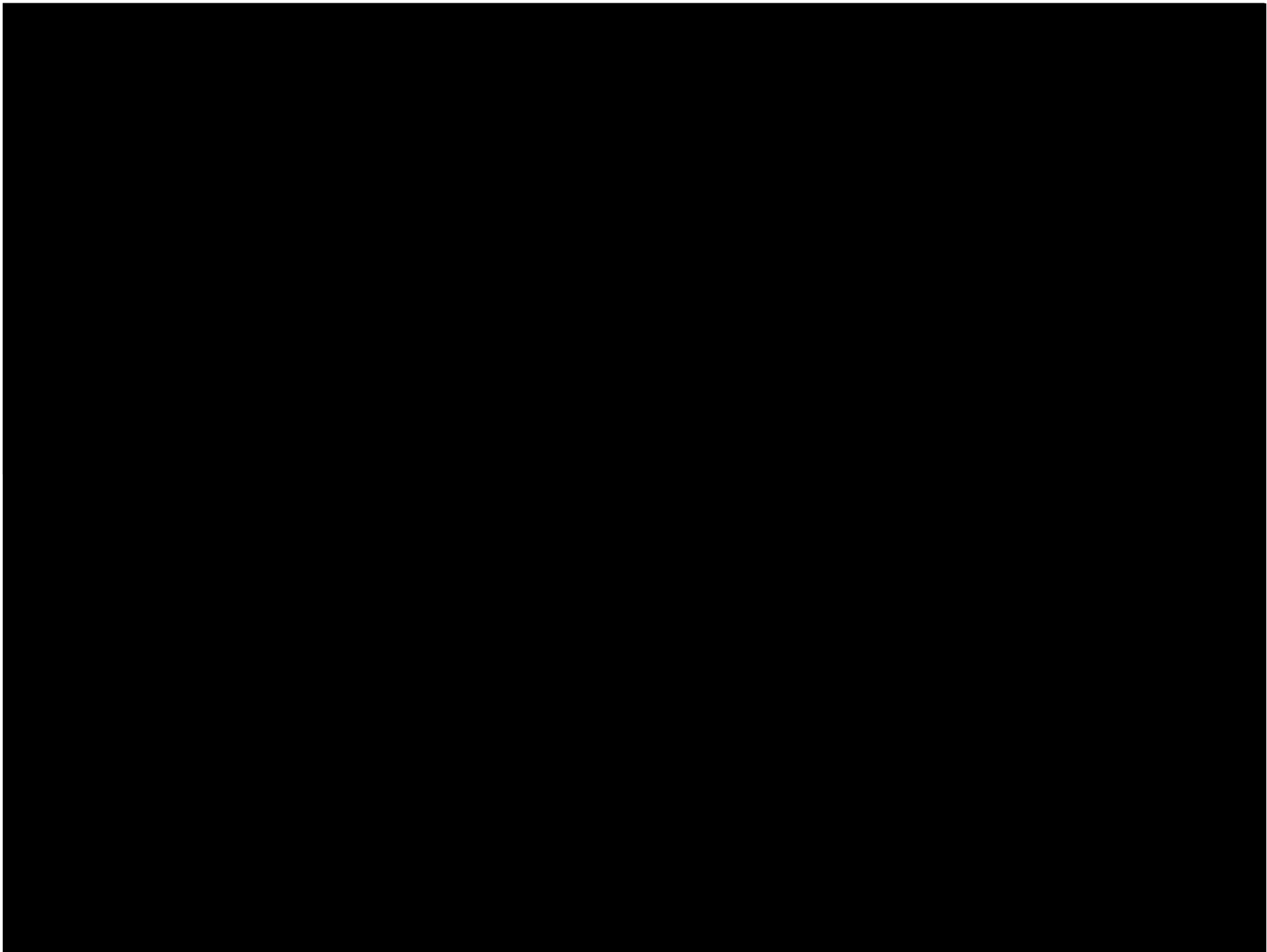


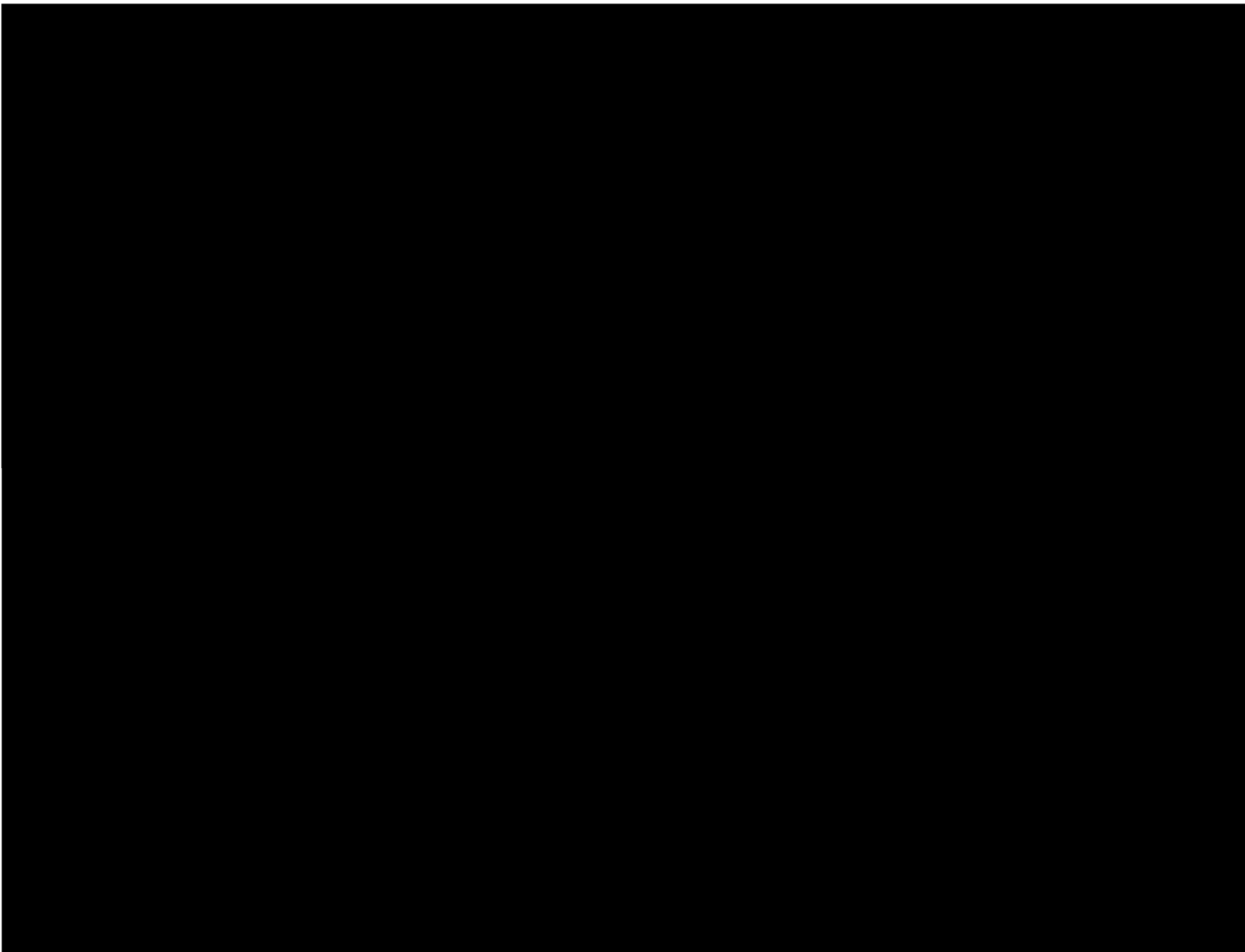


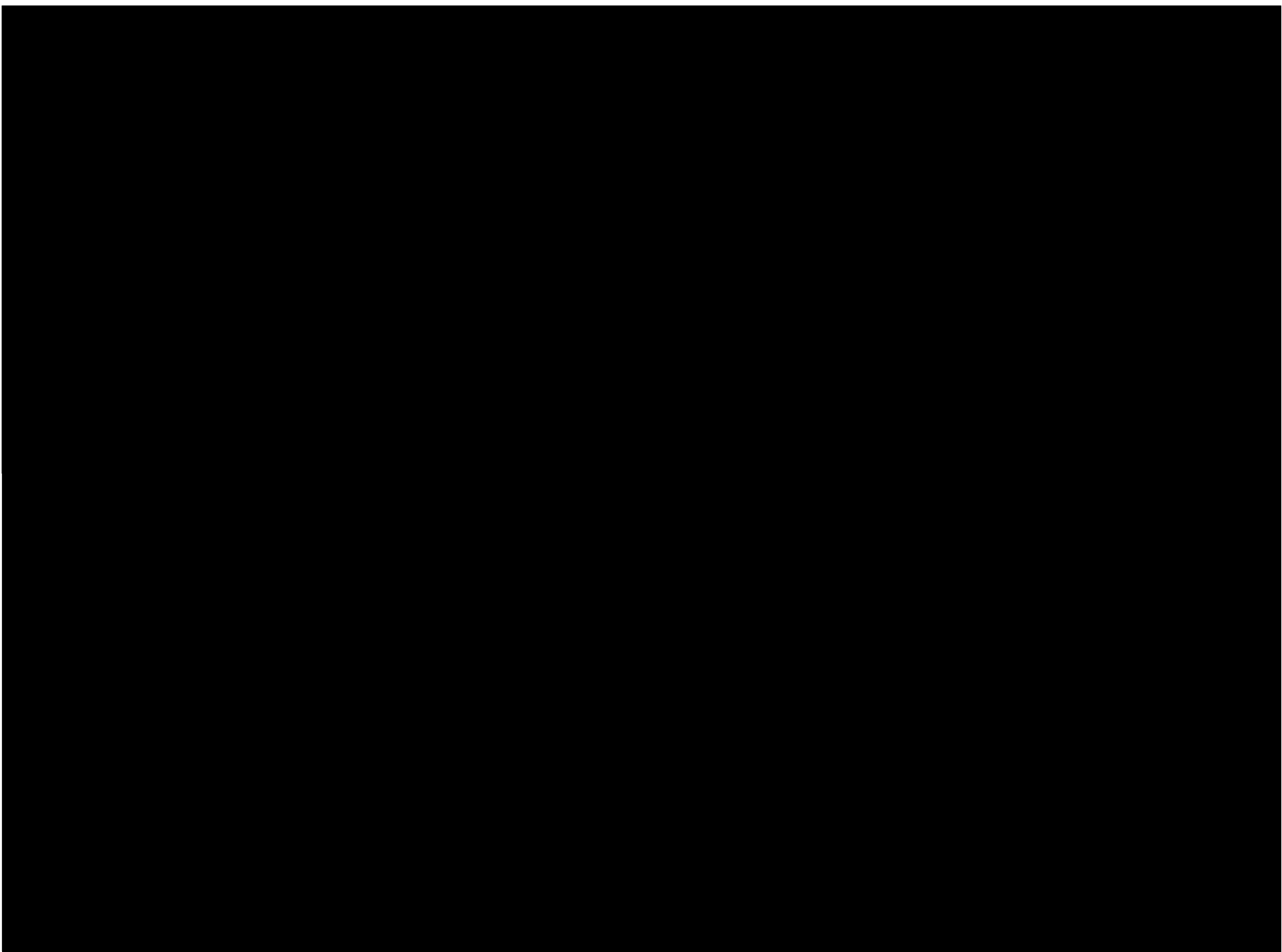


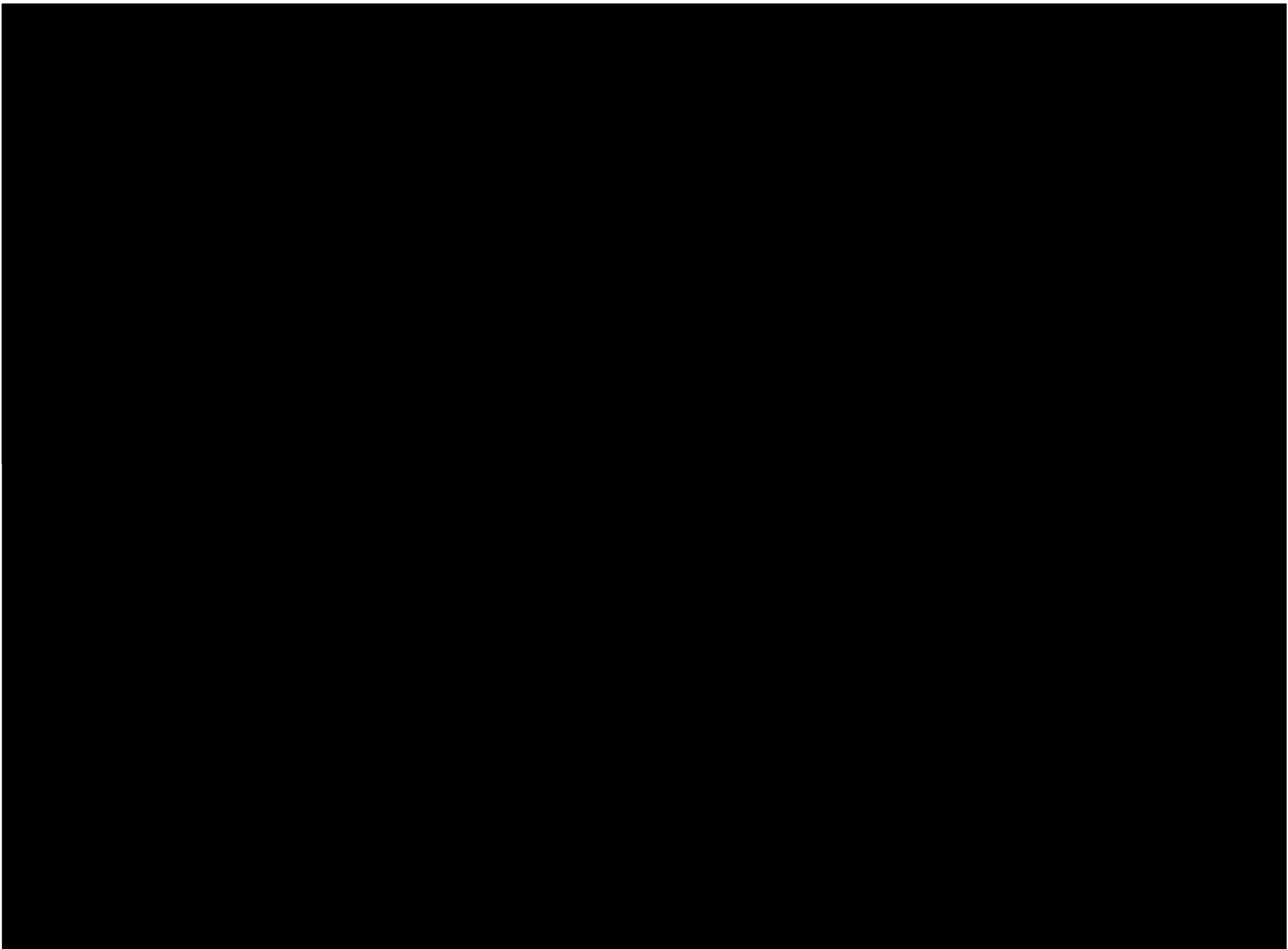




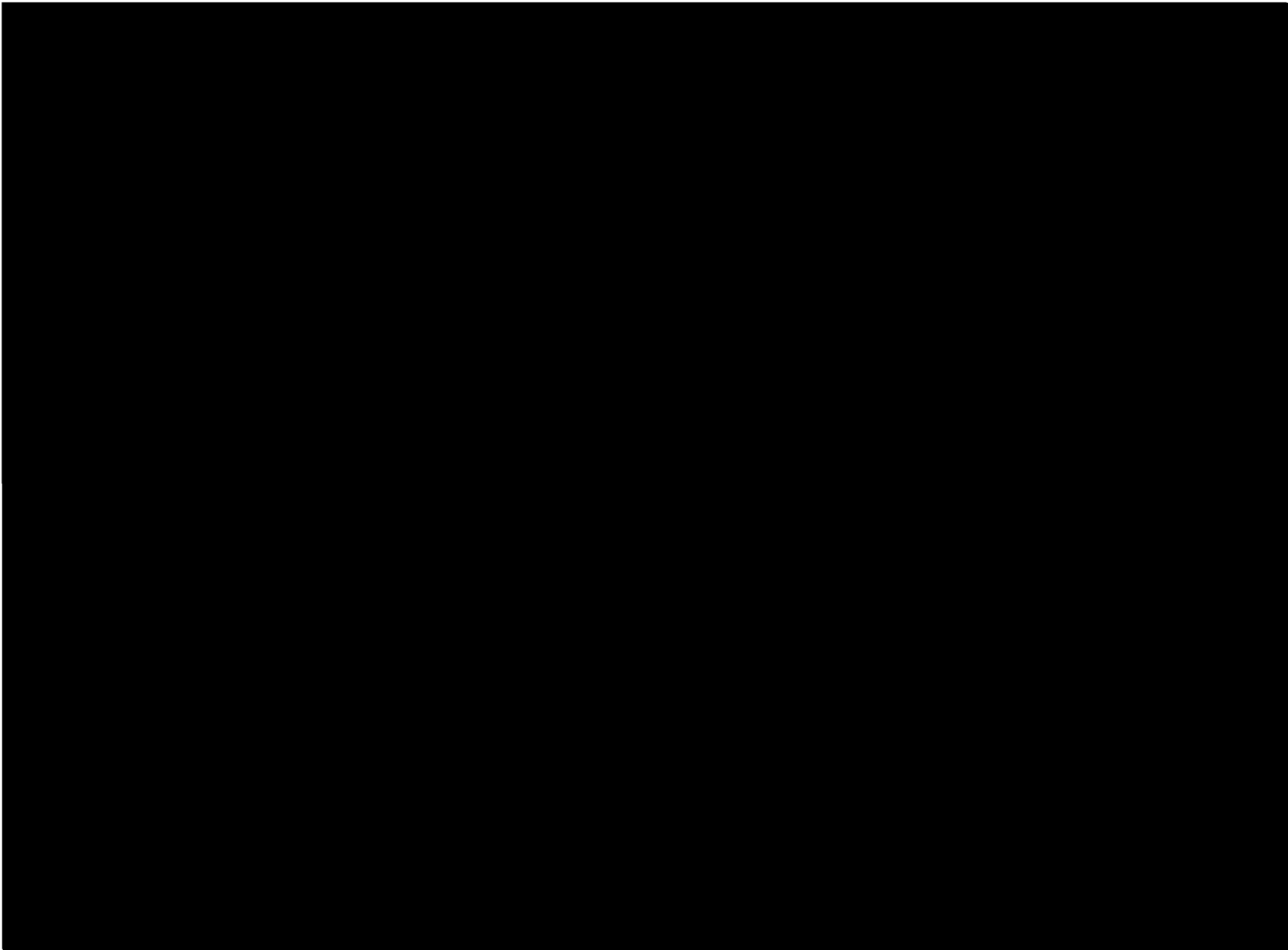




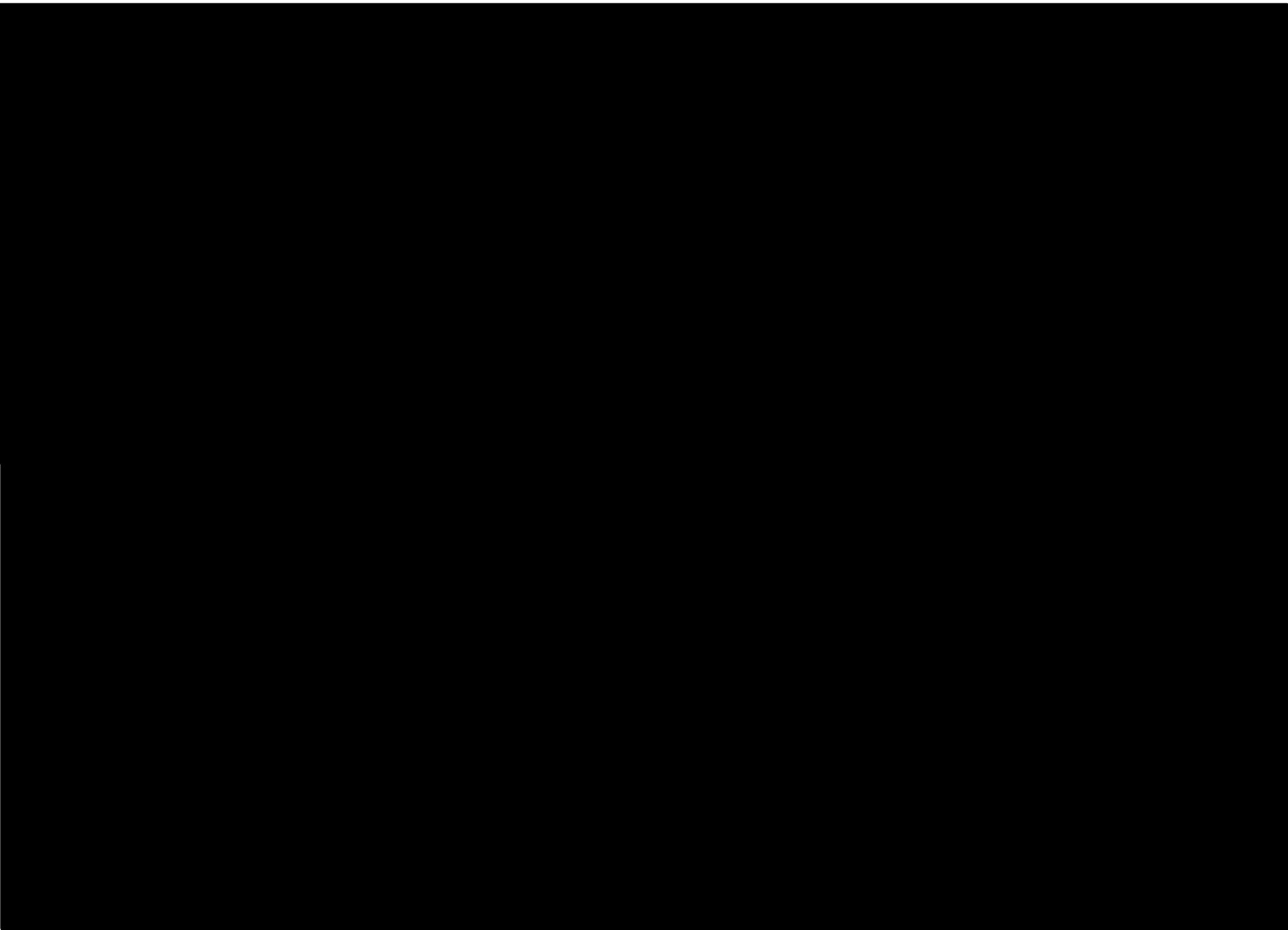




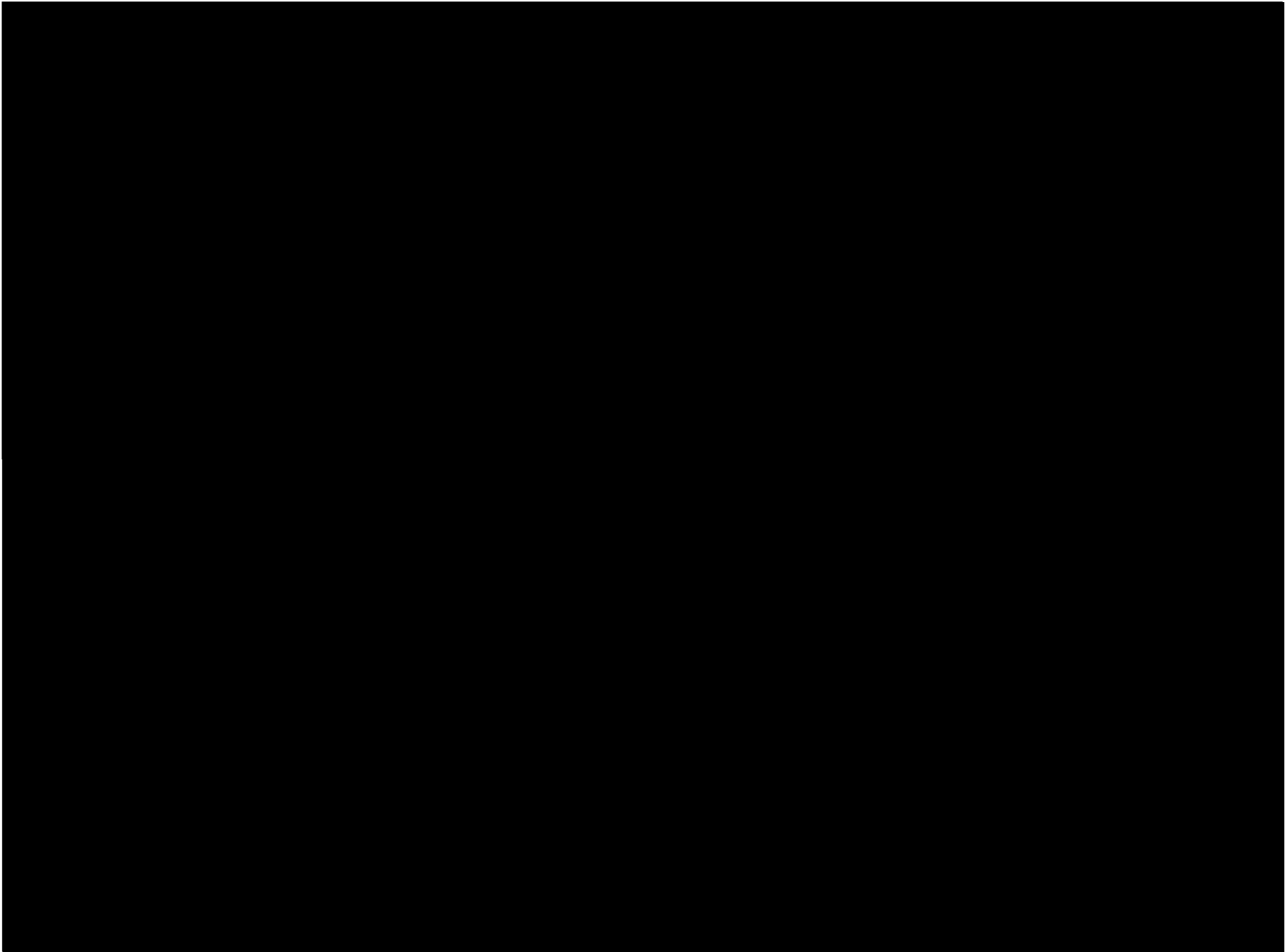
PUBLIC



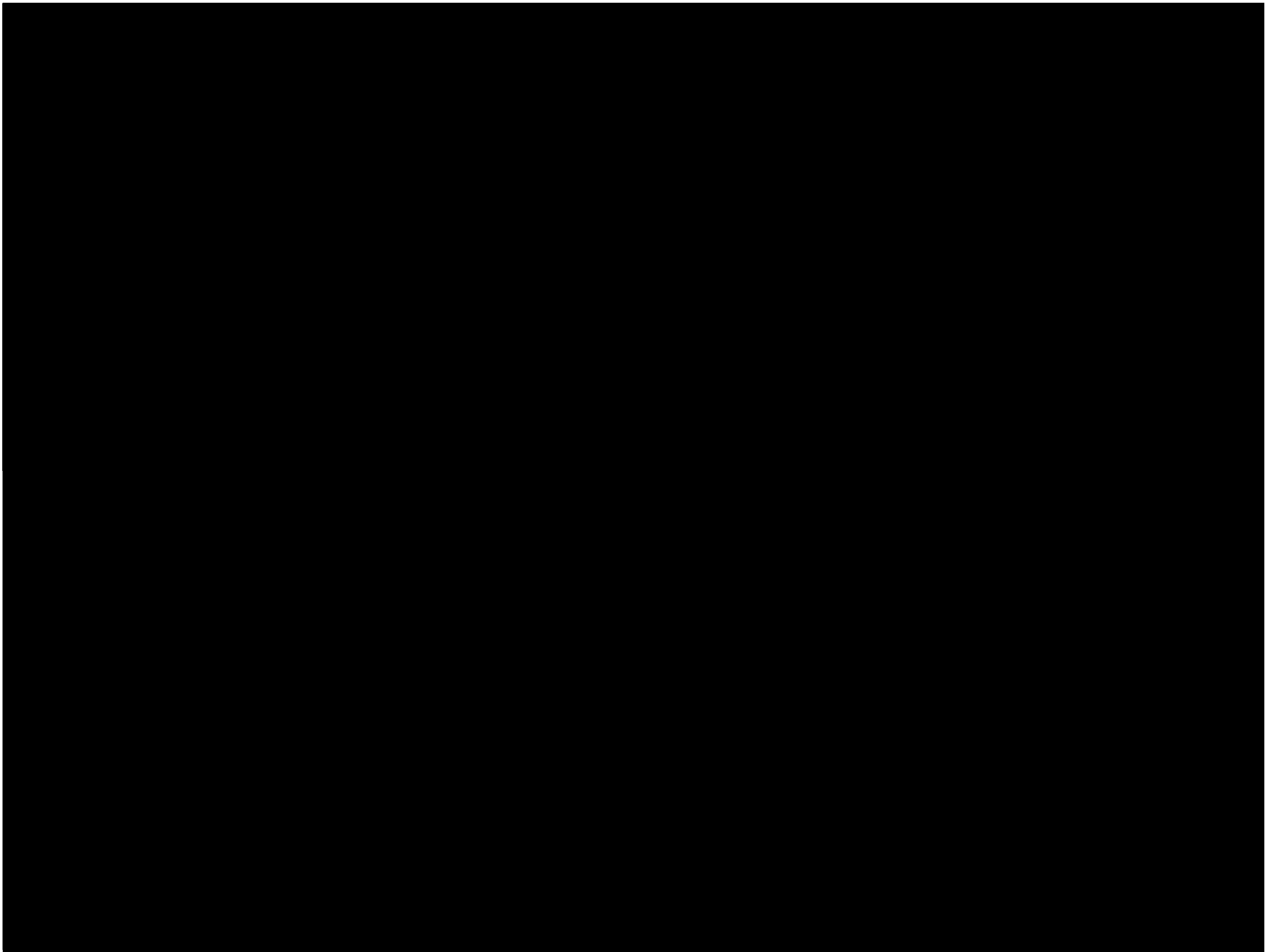
PUBLIC



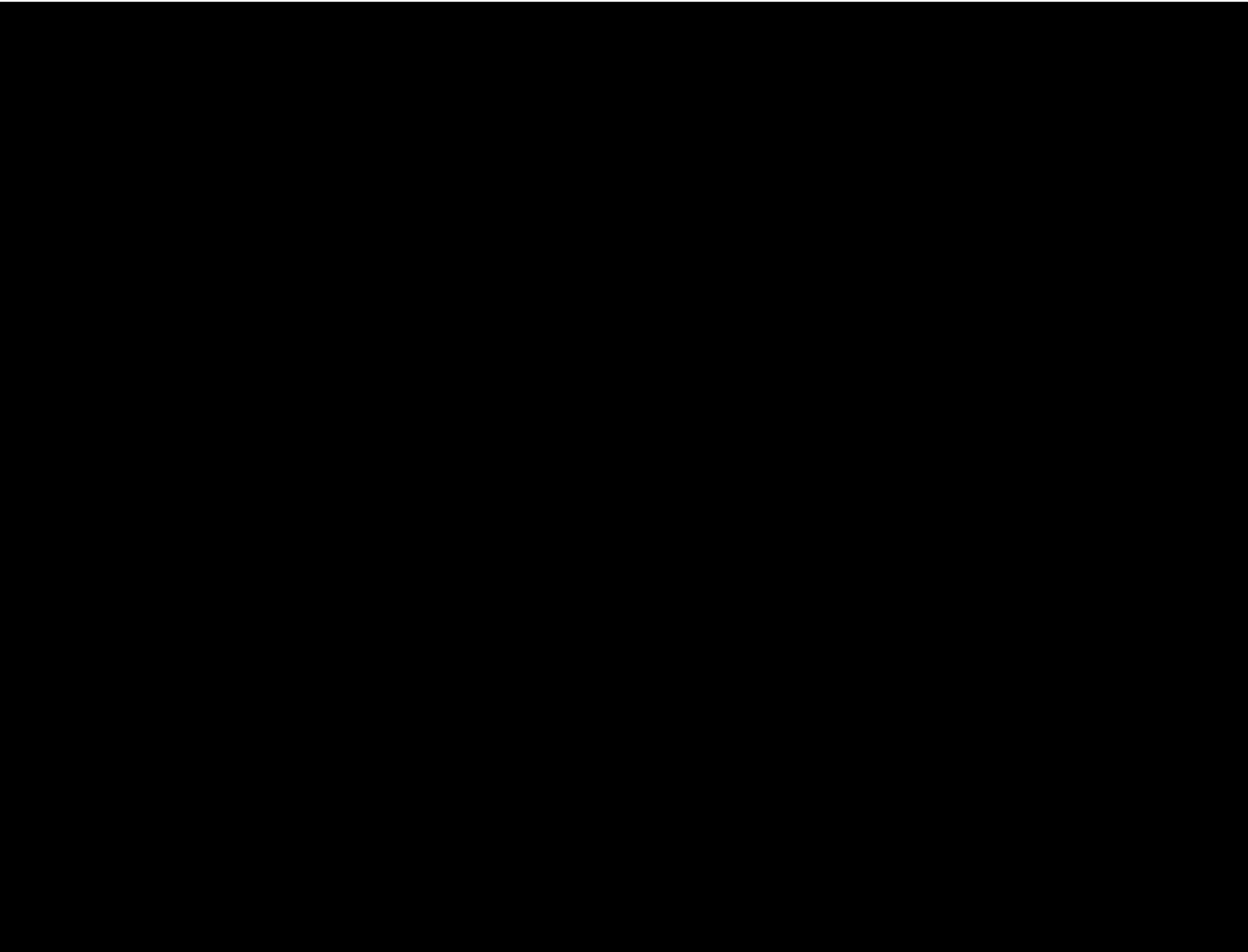
PUBLIC

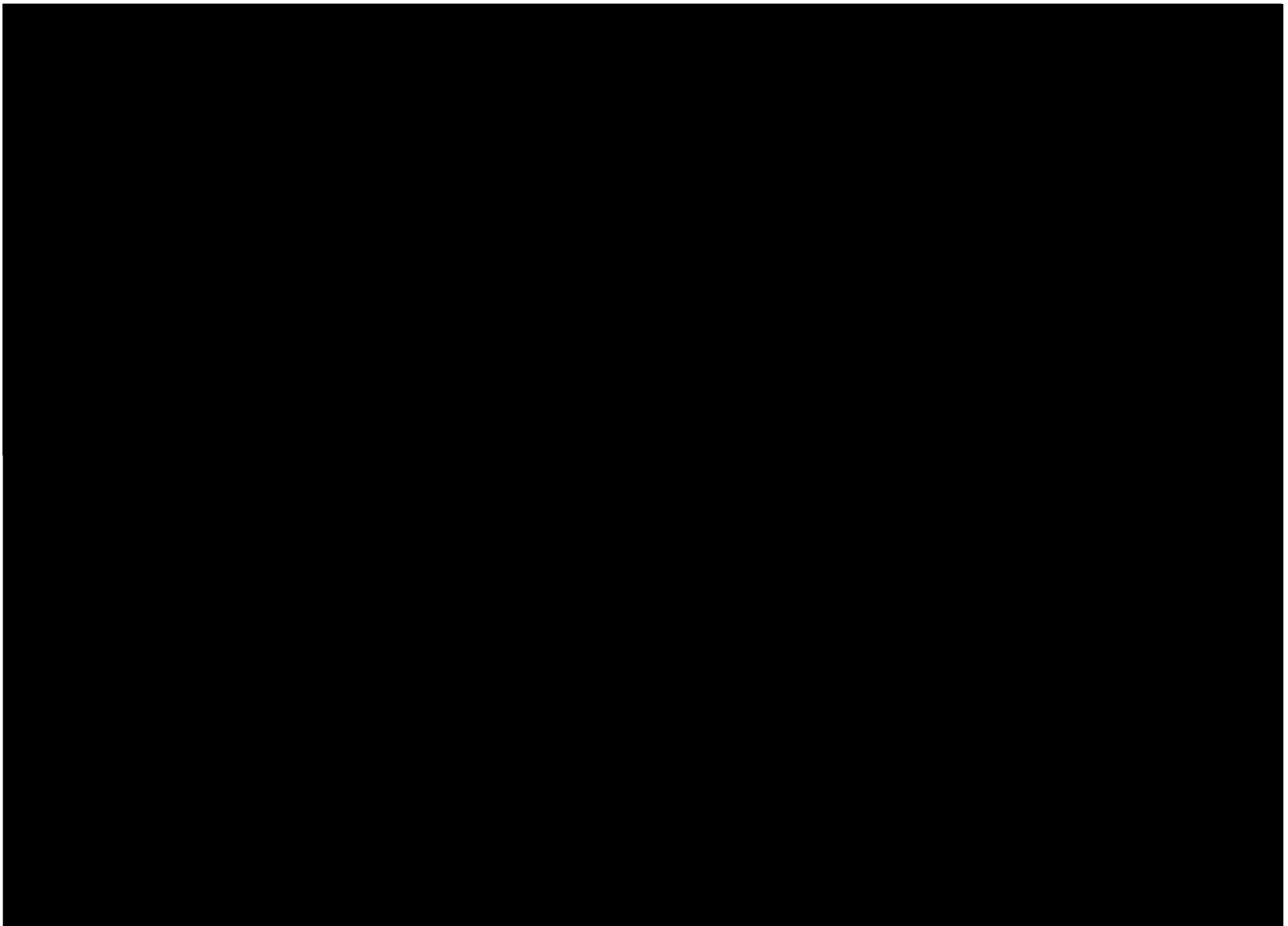


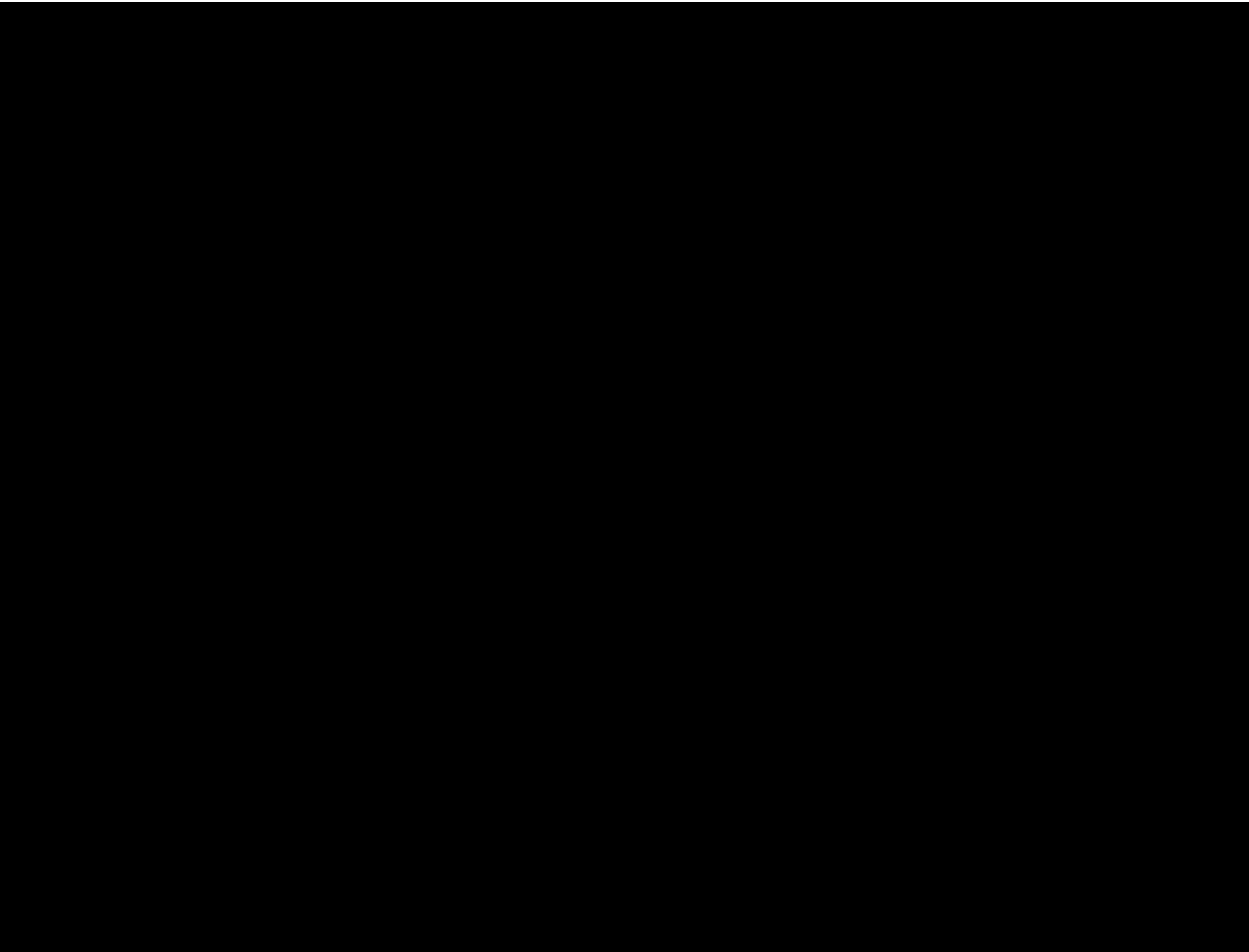


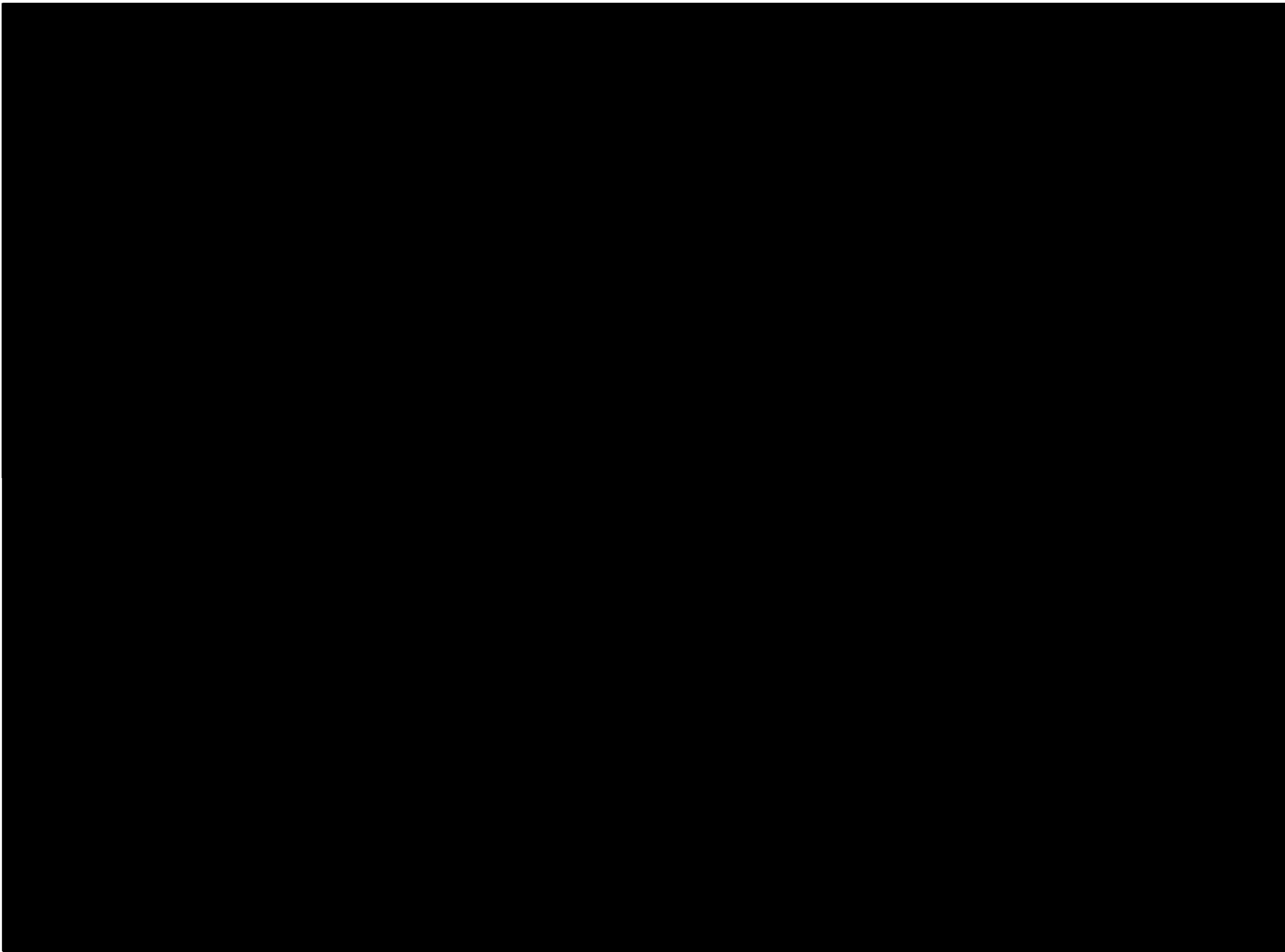


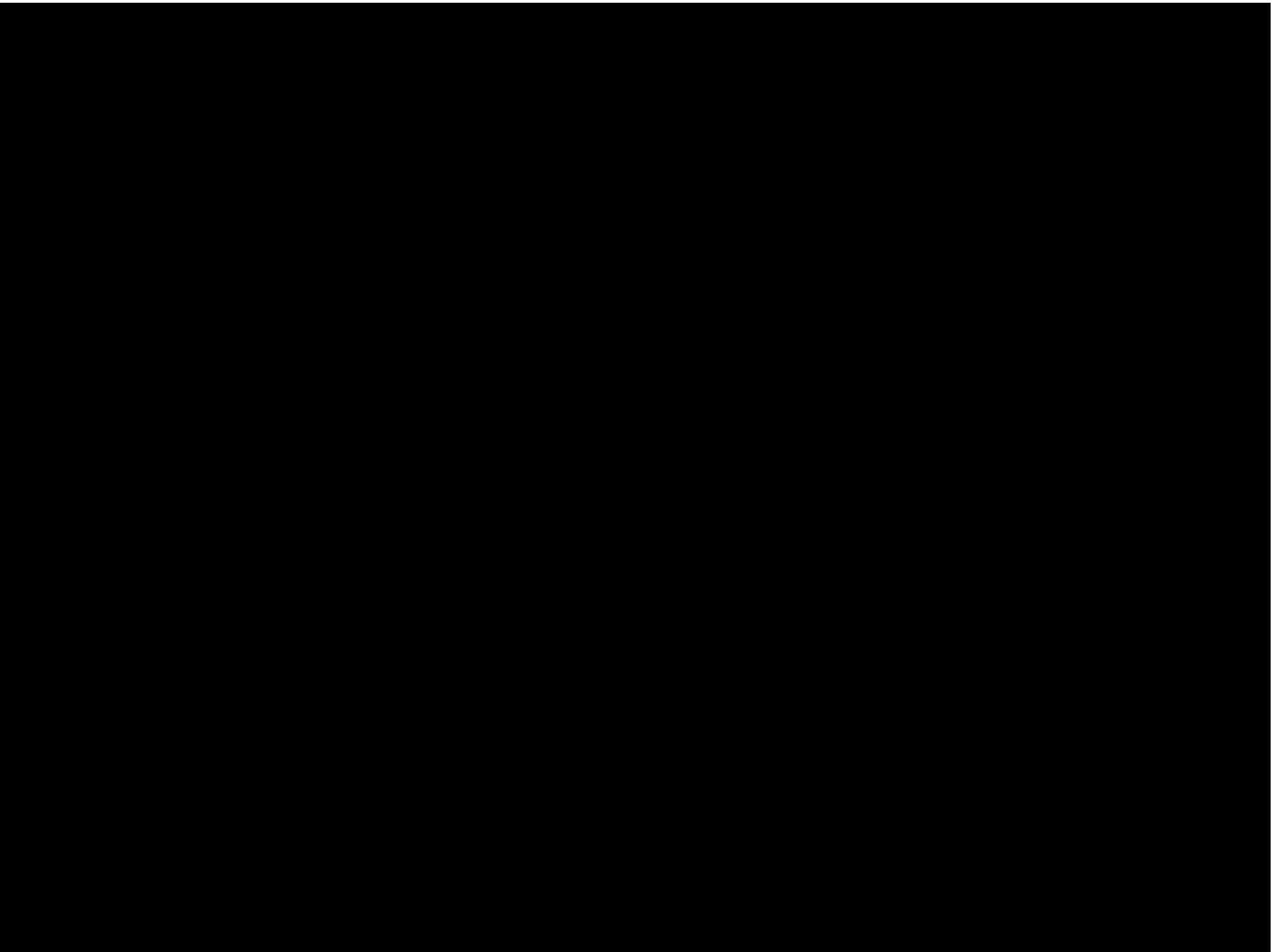
PUBLIC



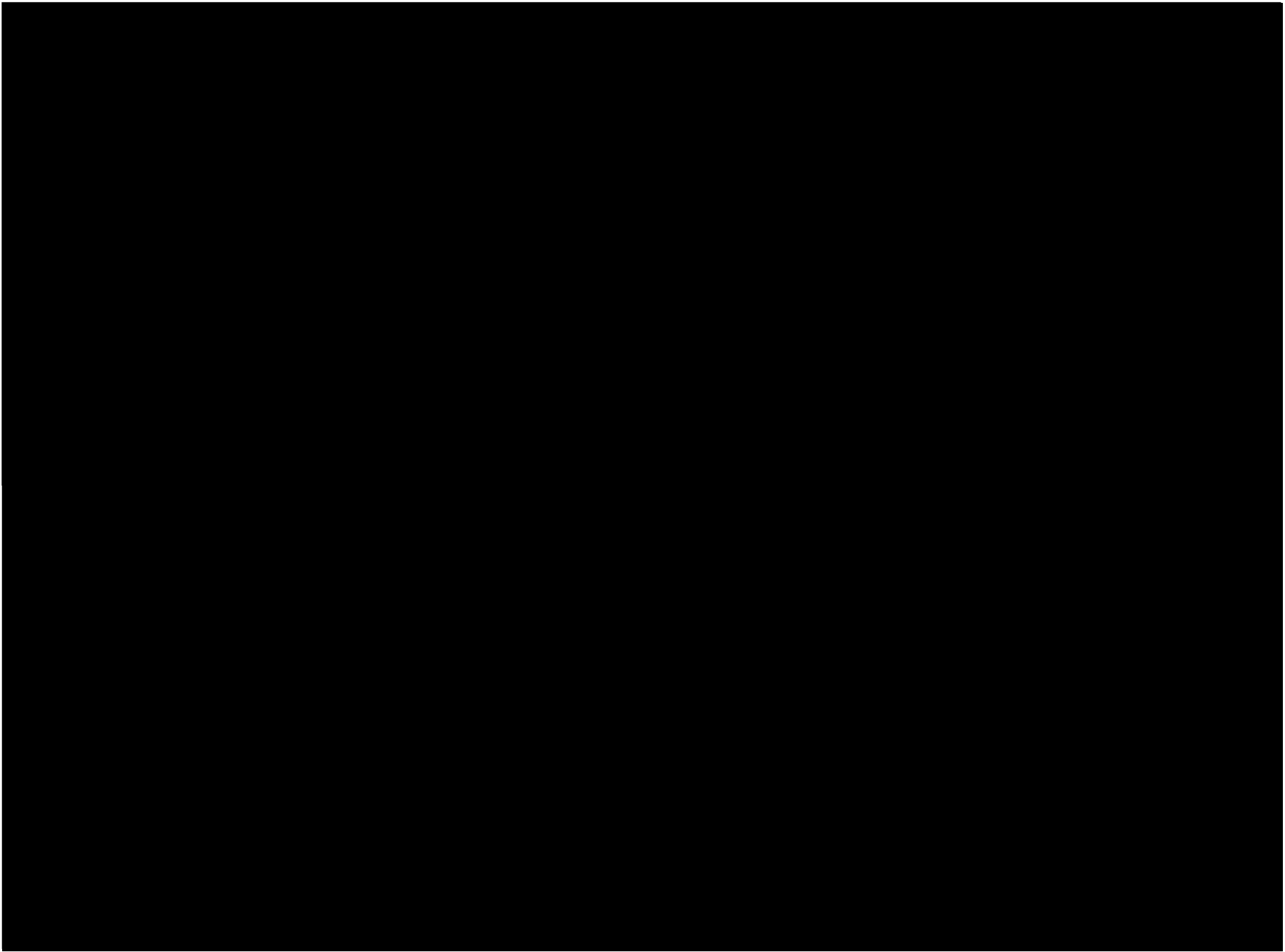




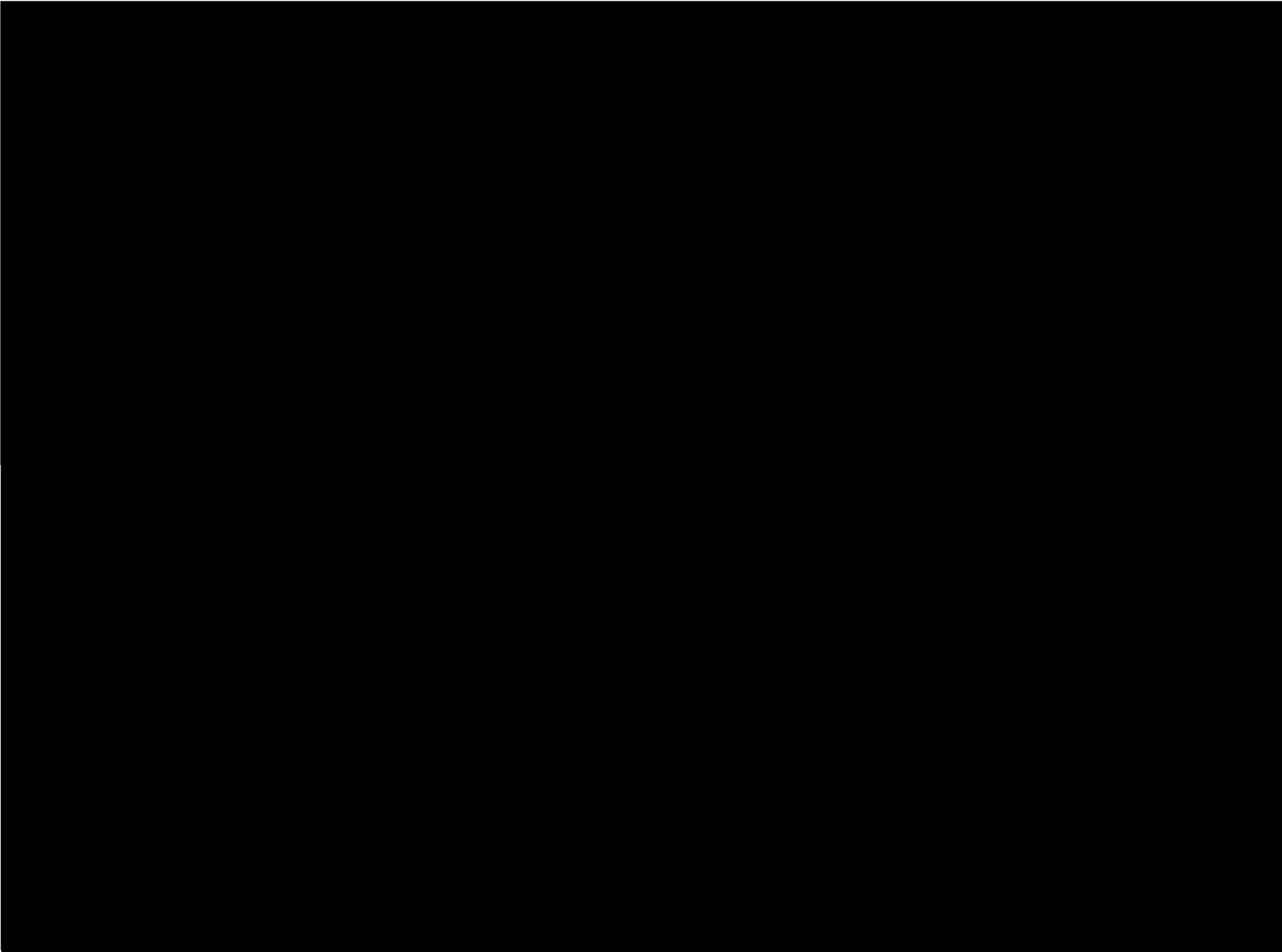


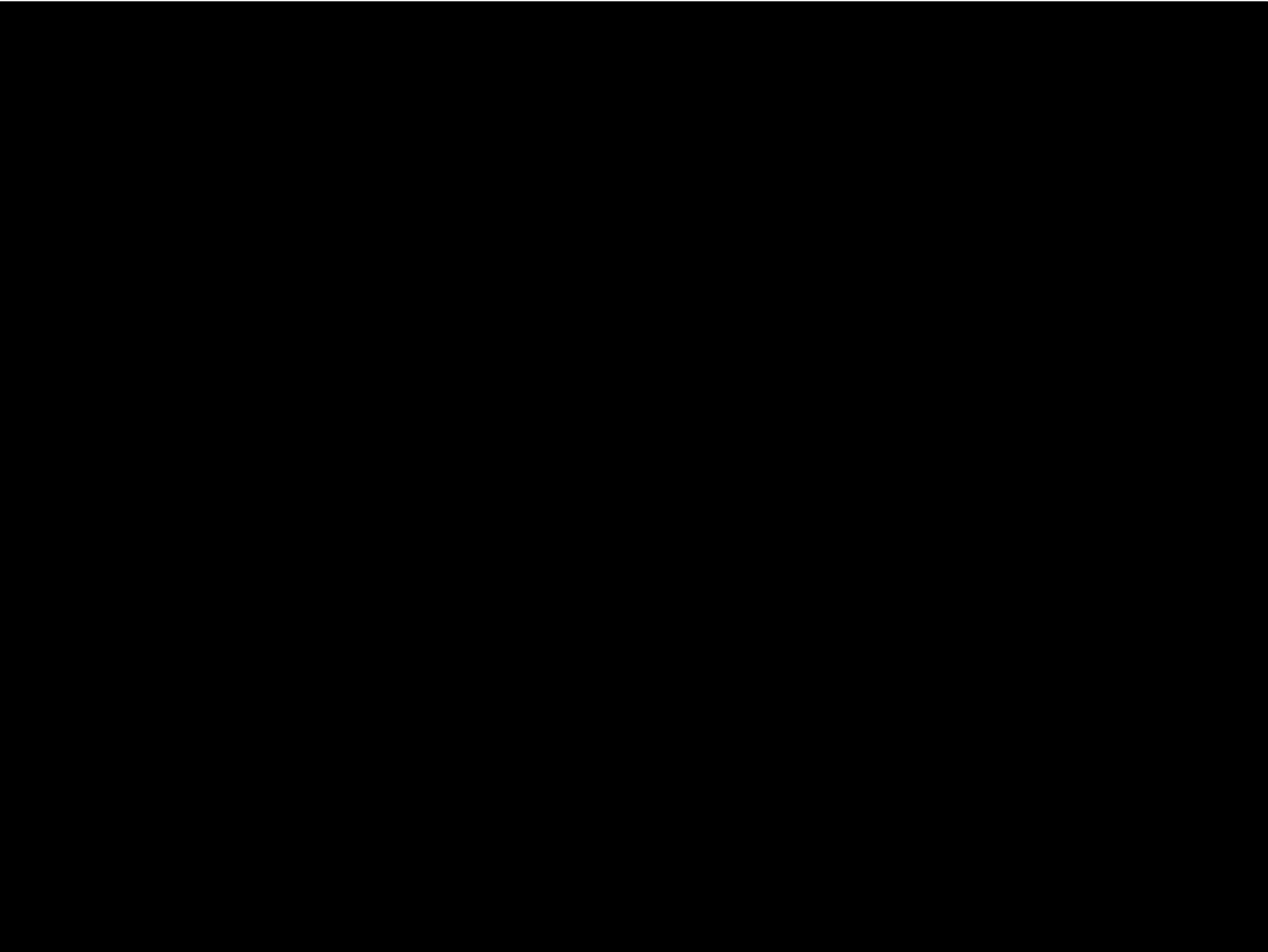


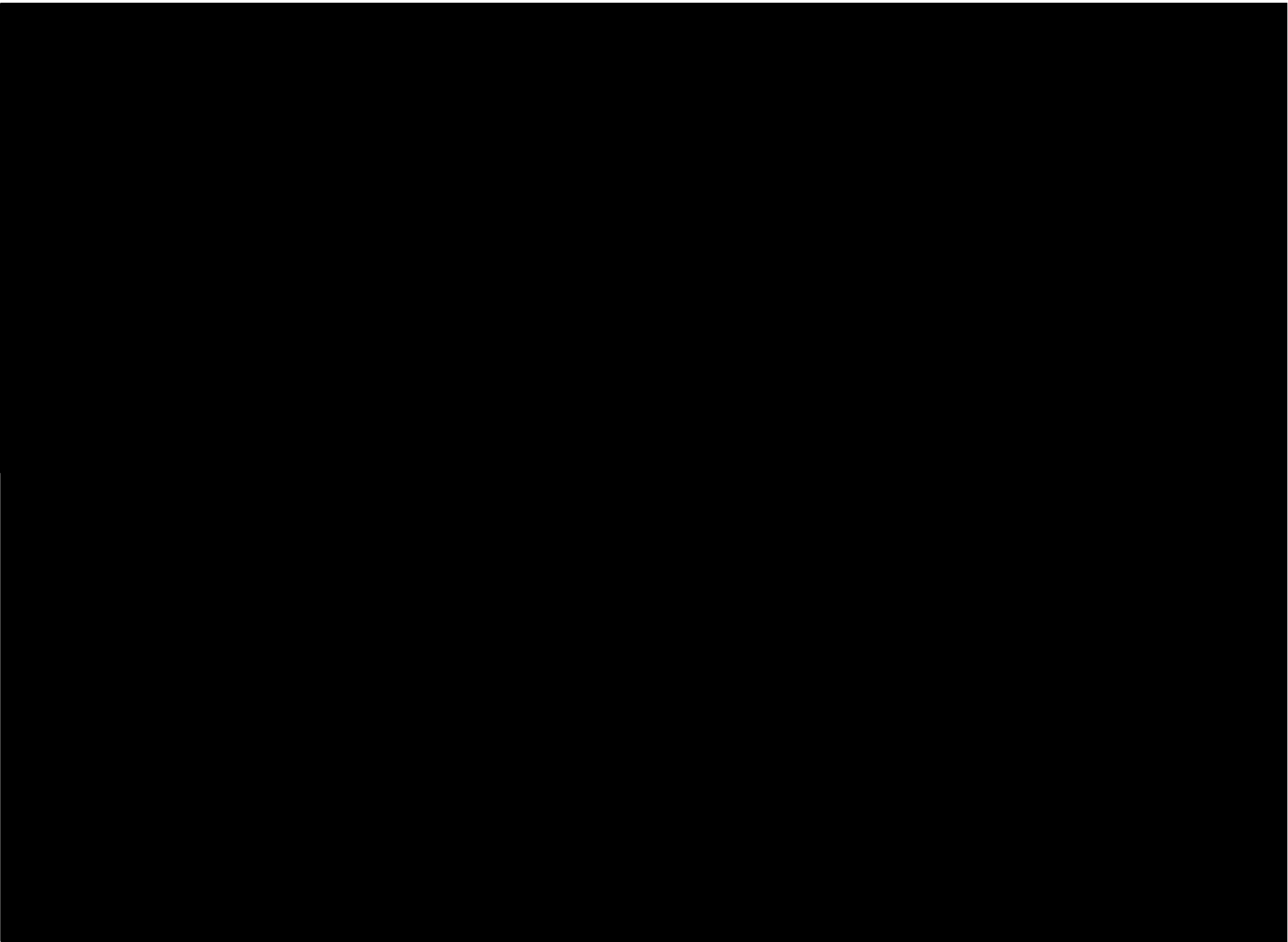
PUBLIC

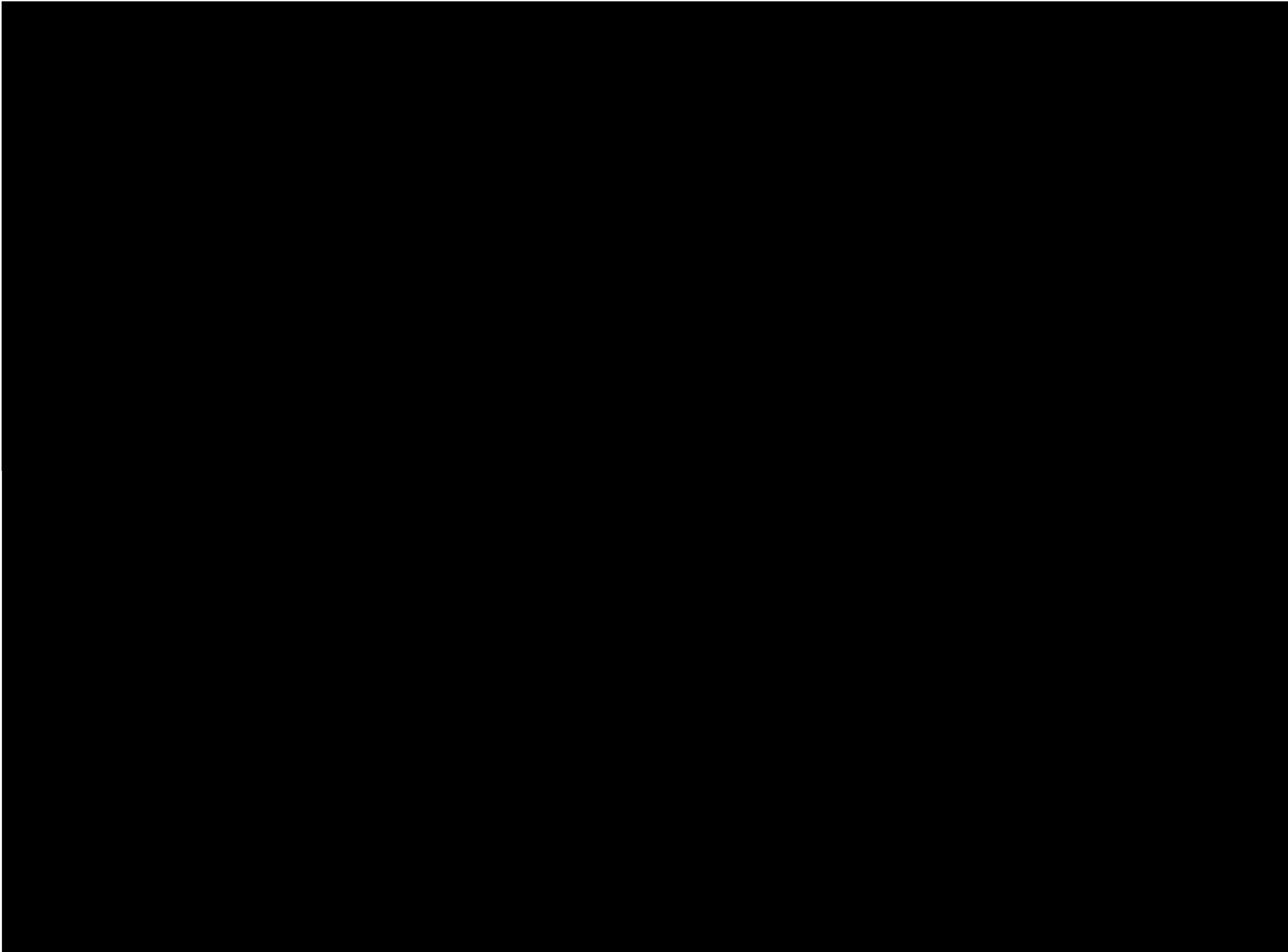


PUBLIC

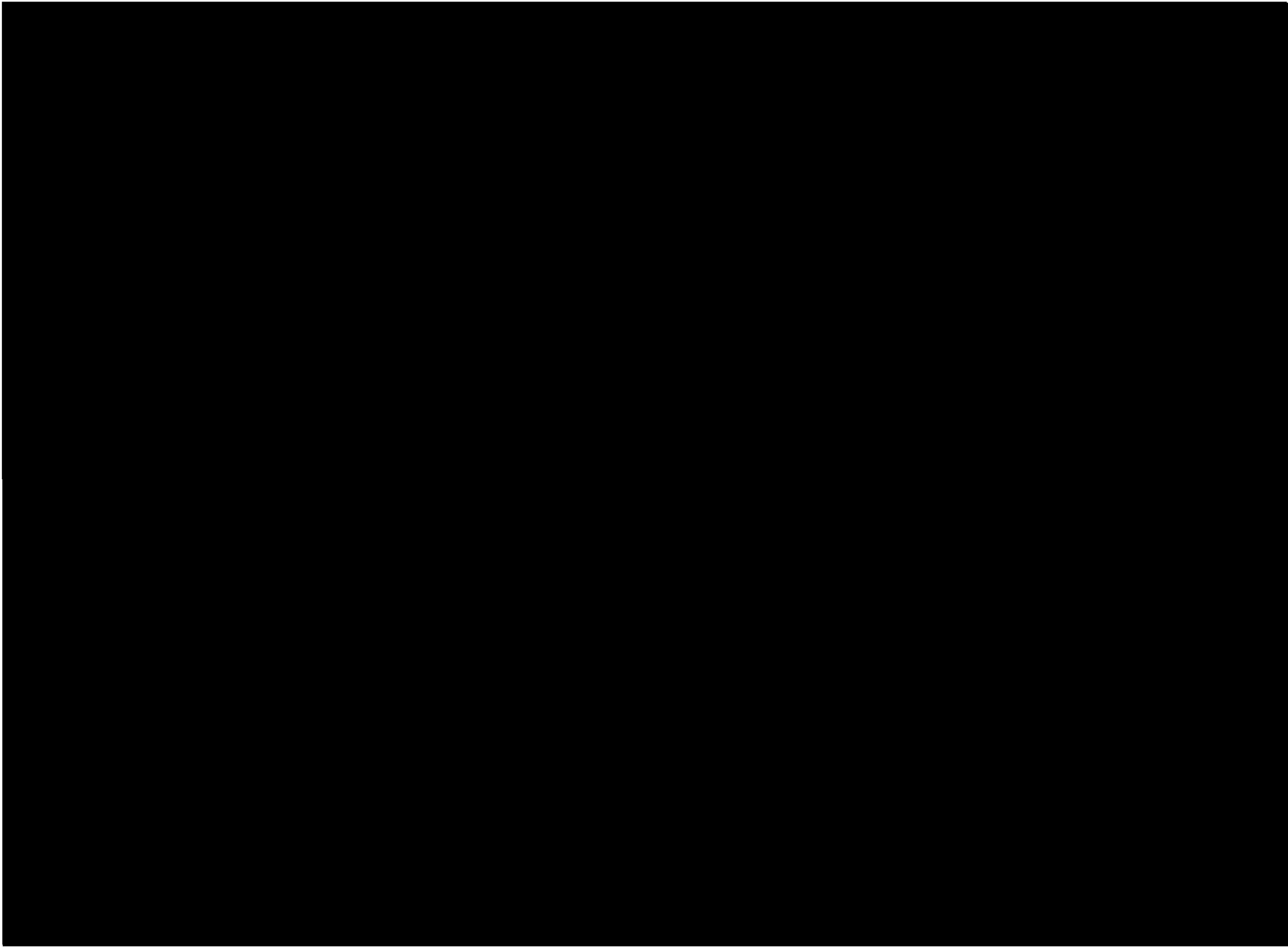


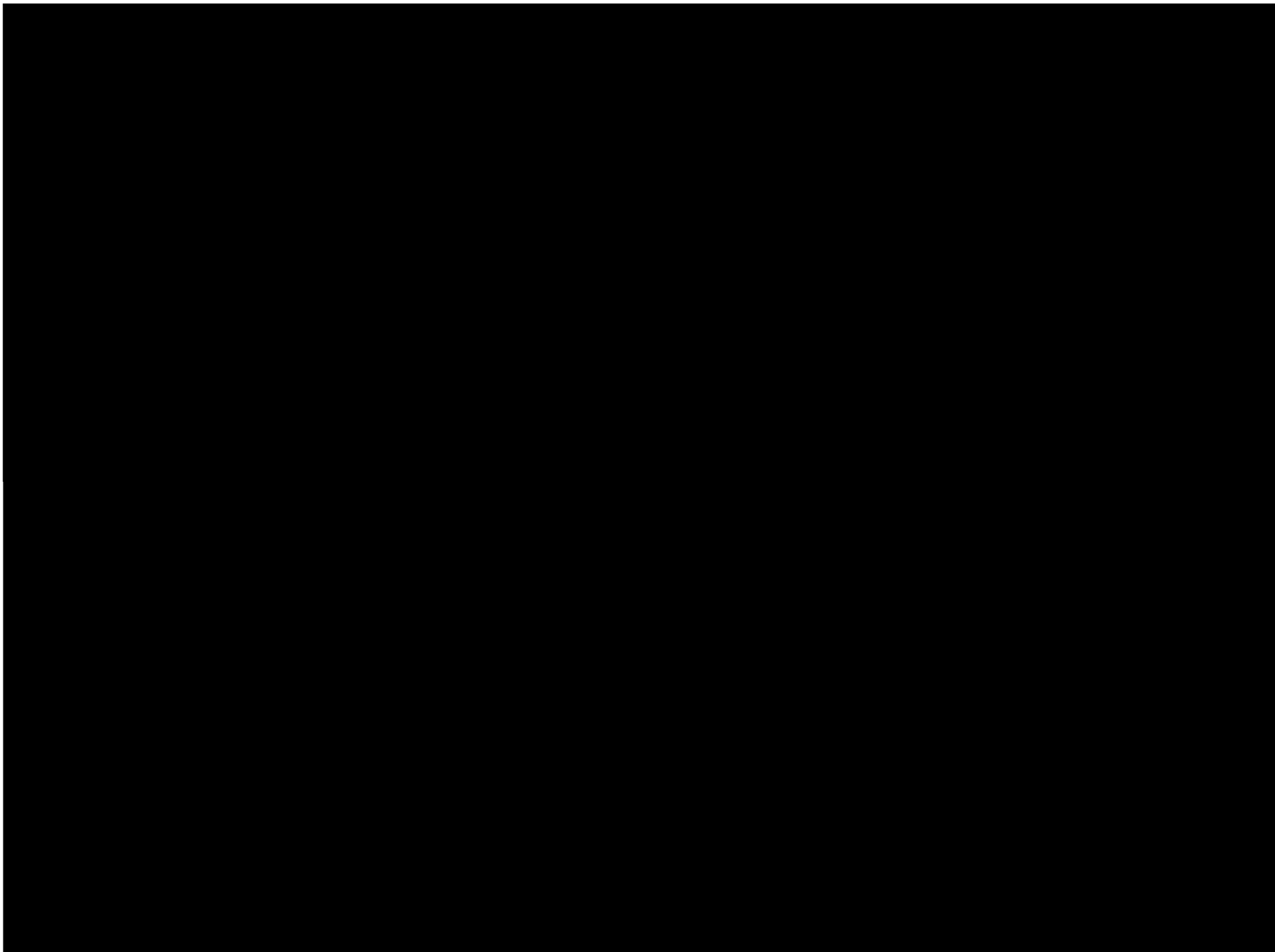


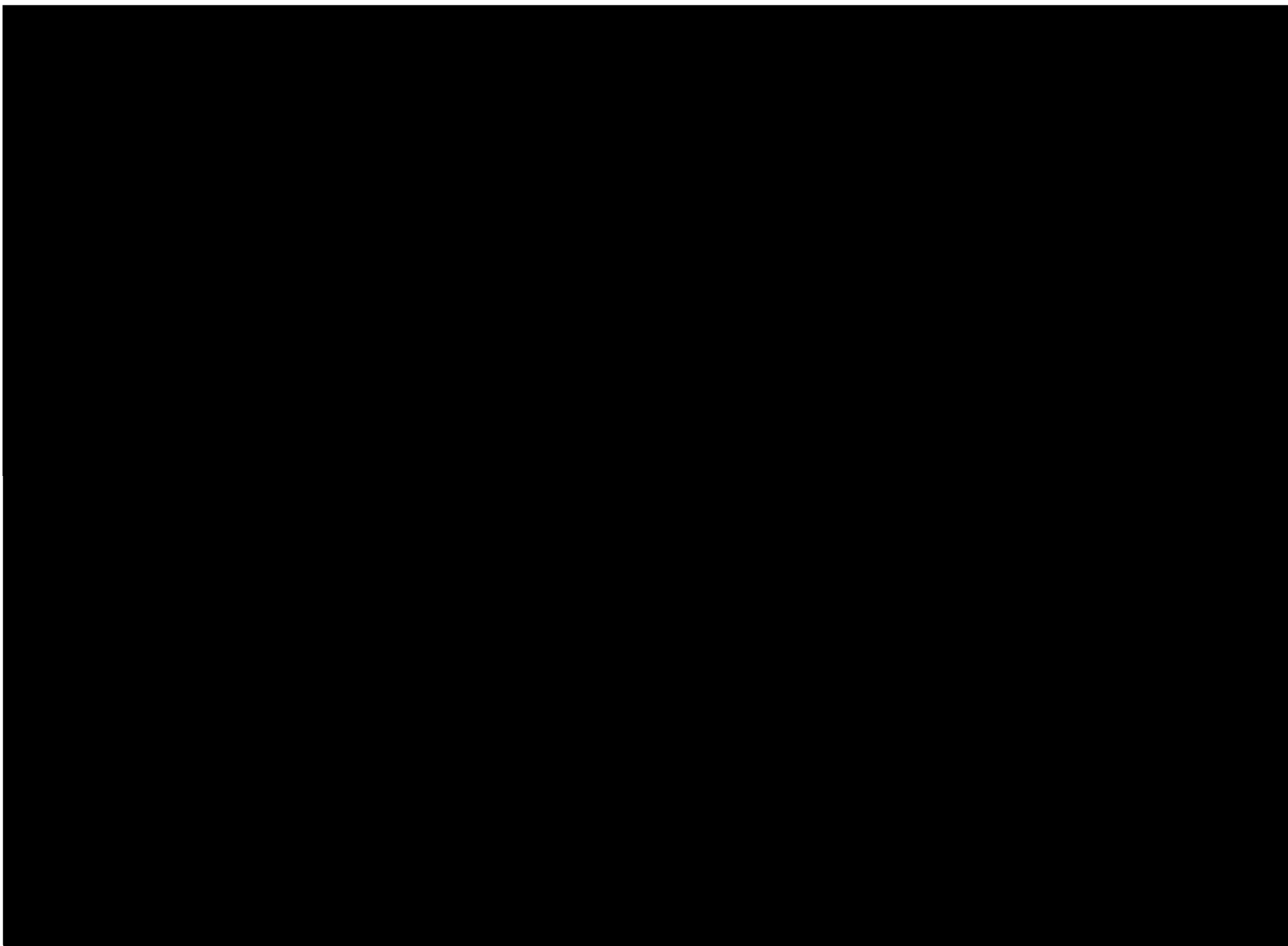




PUBLIC

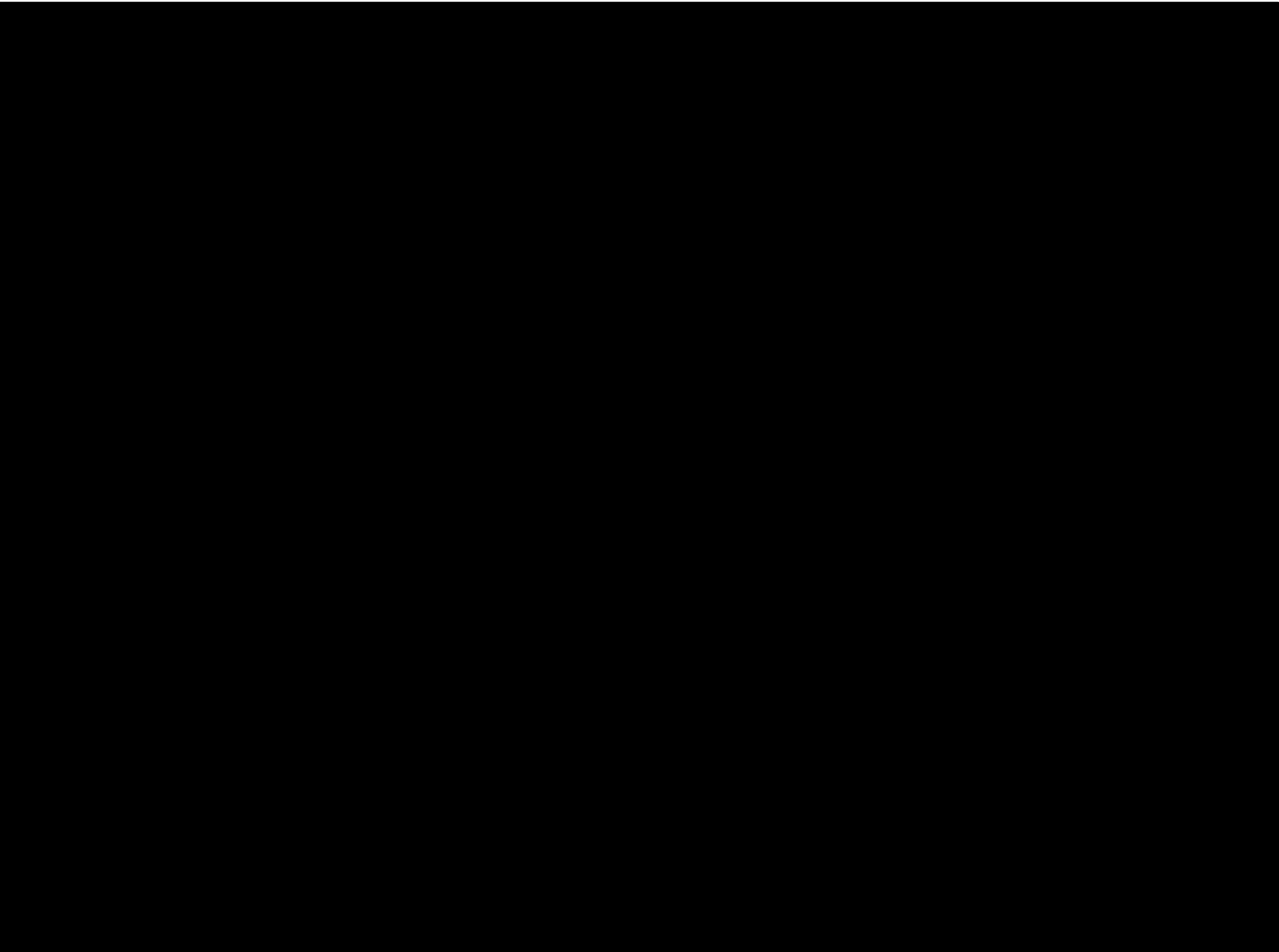




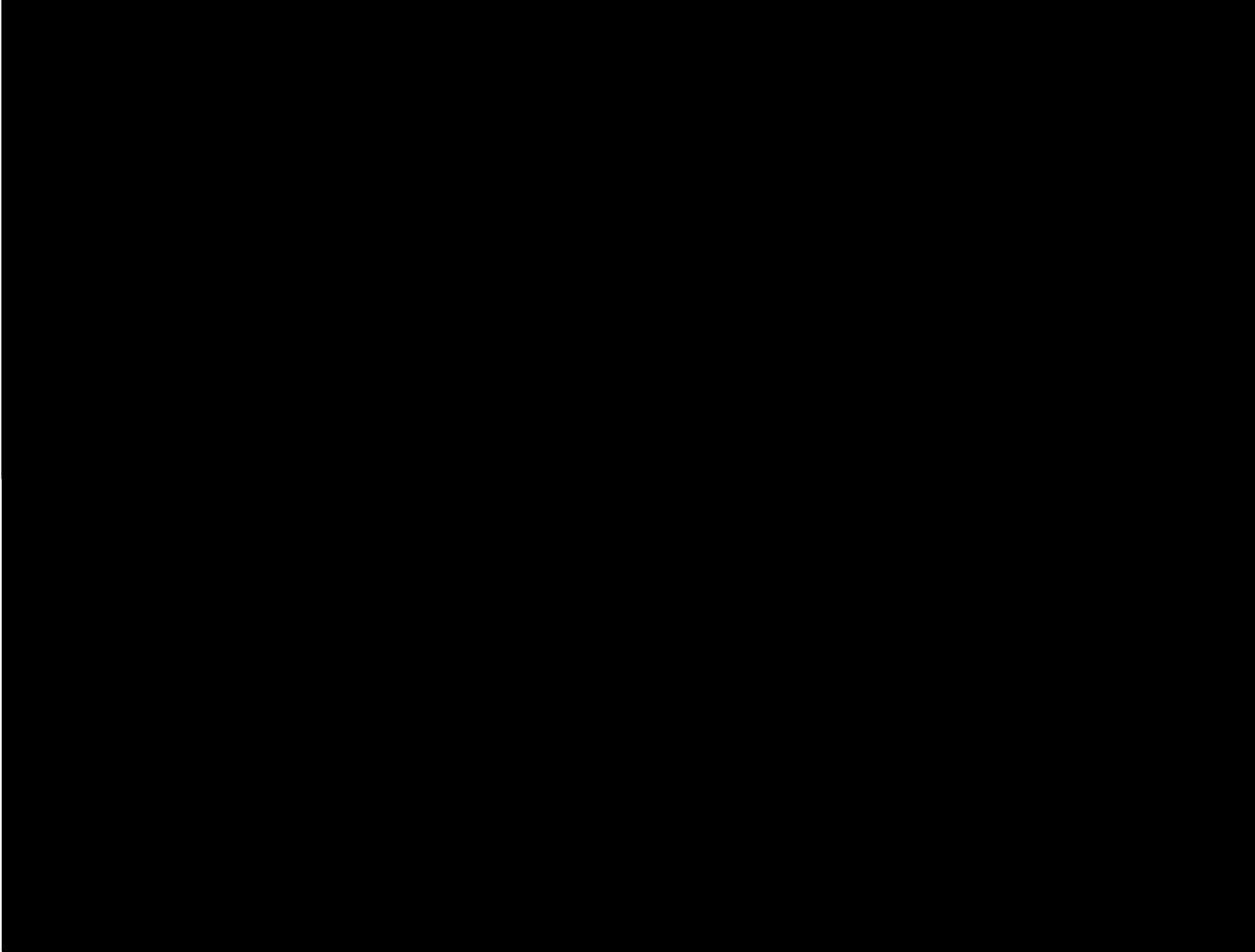


PUBLIC

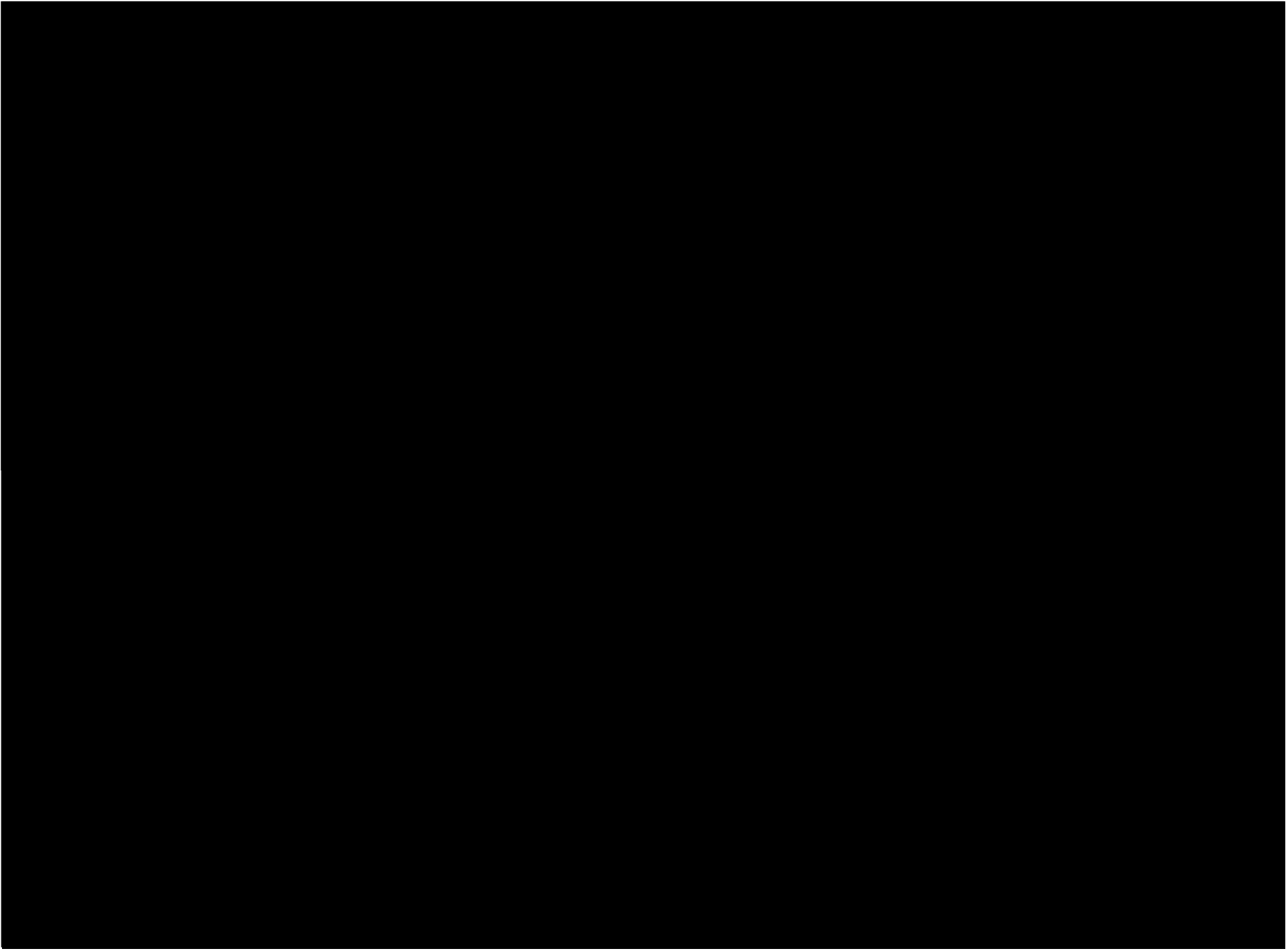
PUBLIC



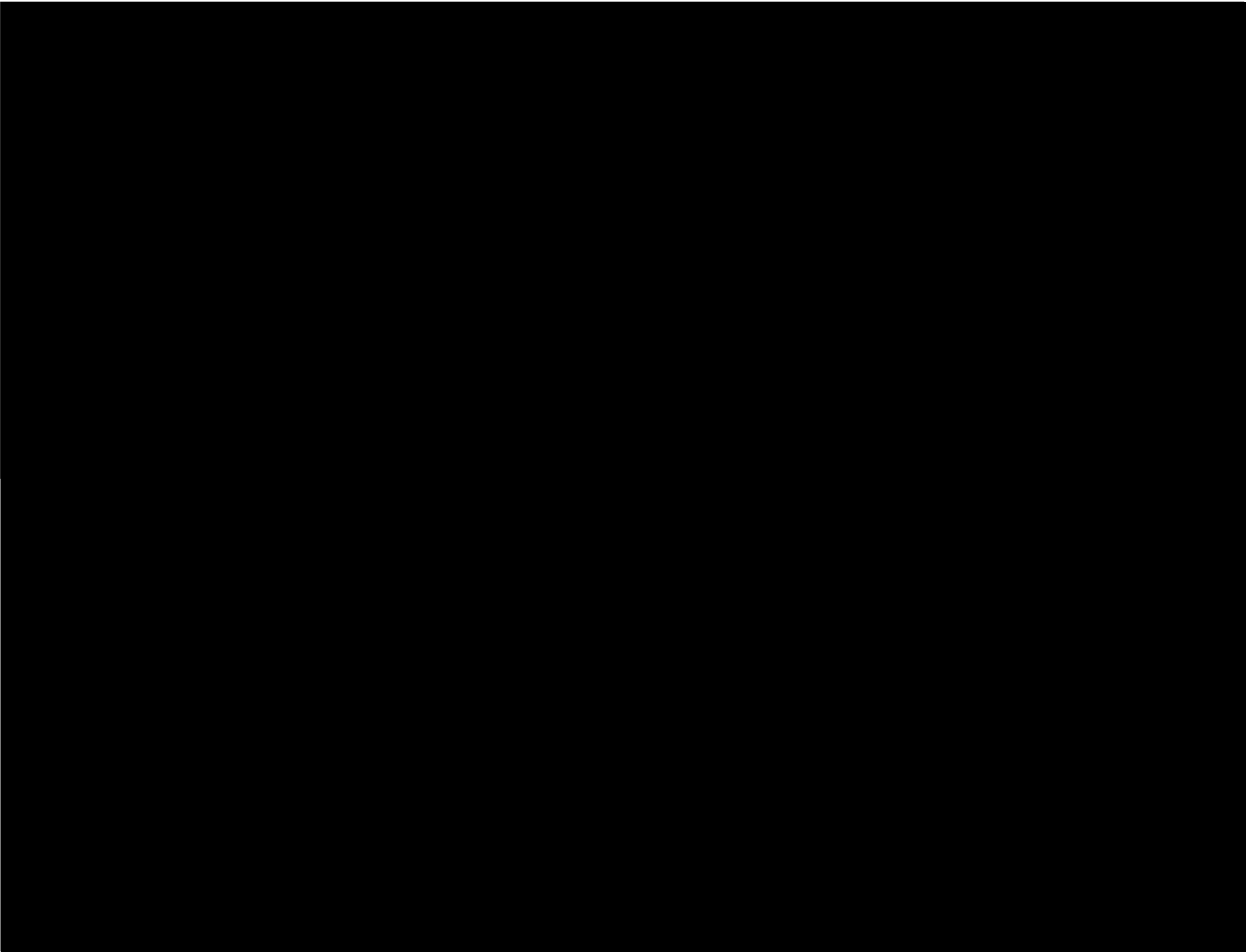
PUBLIC

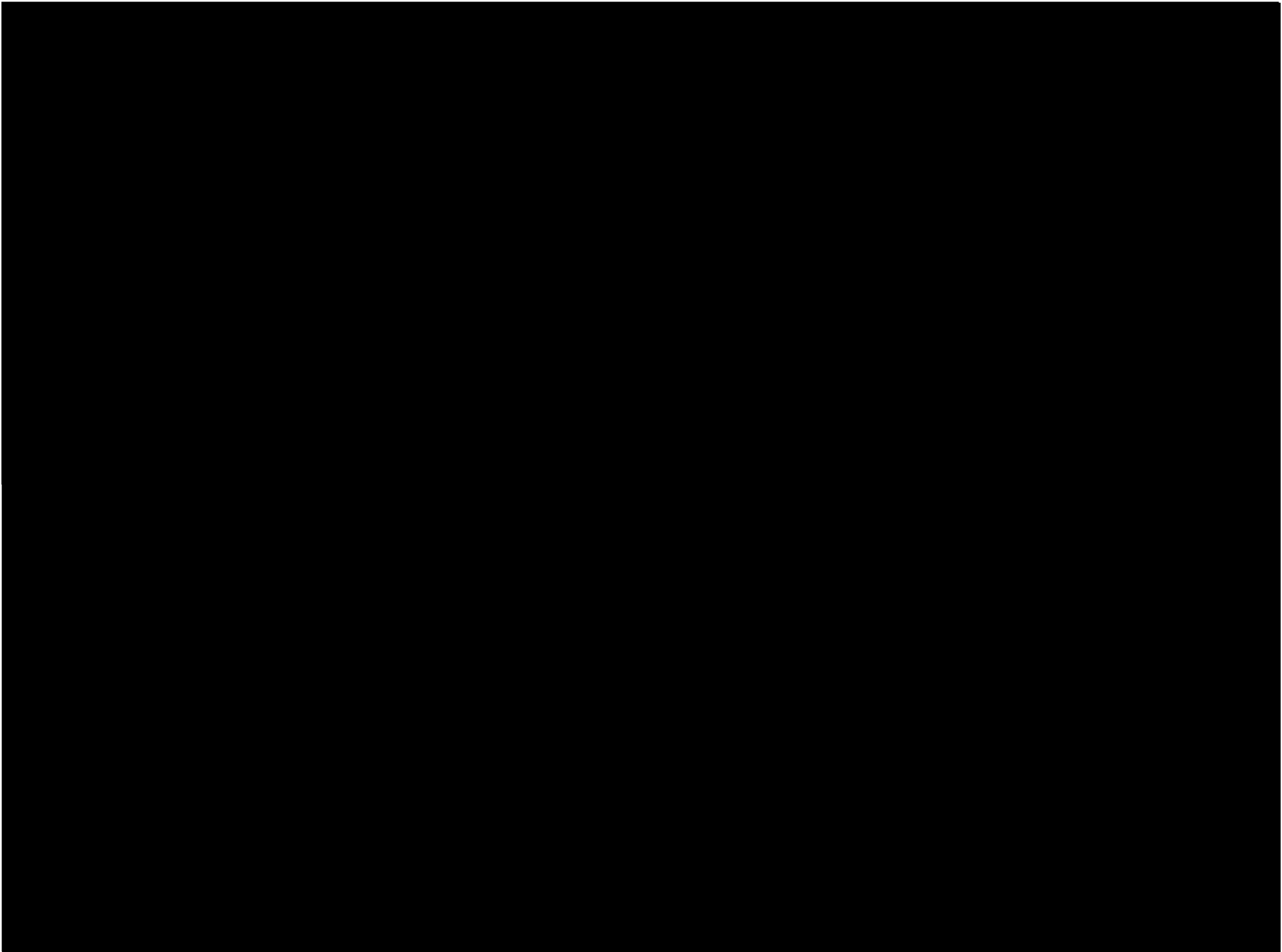


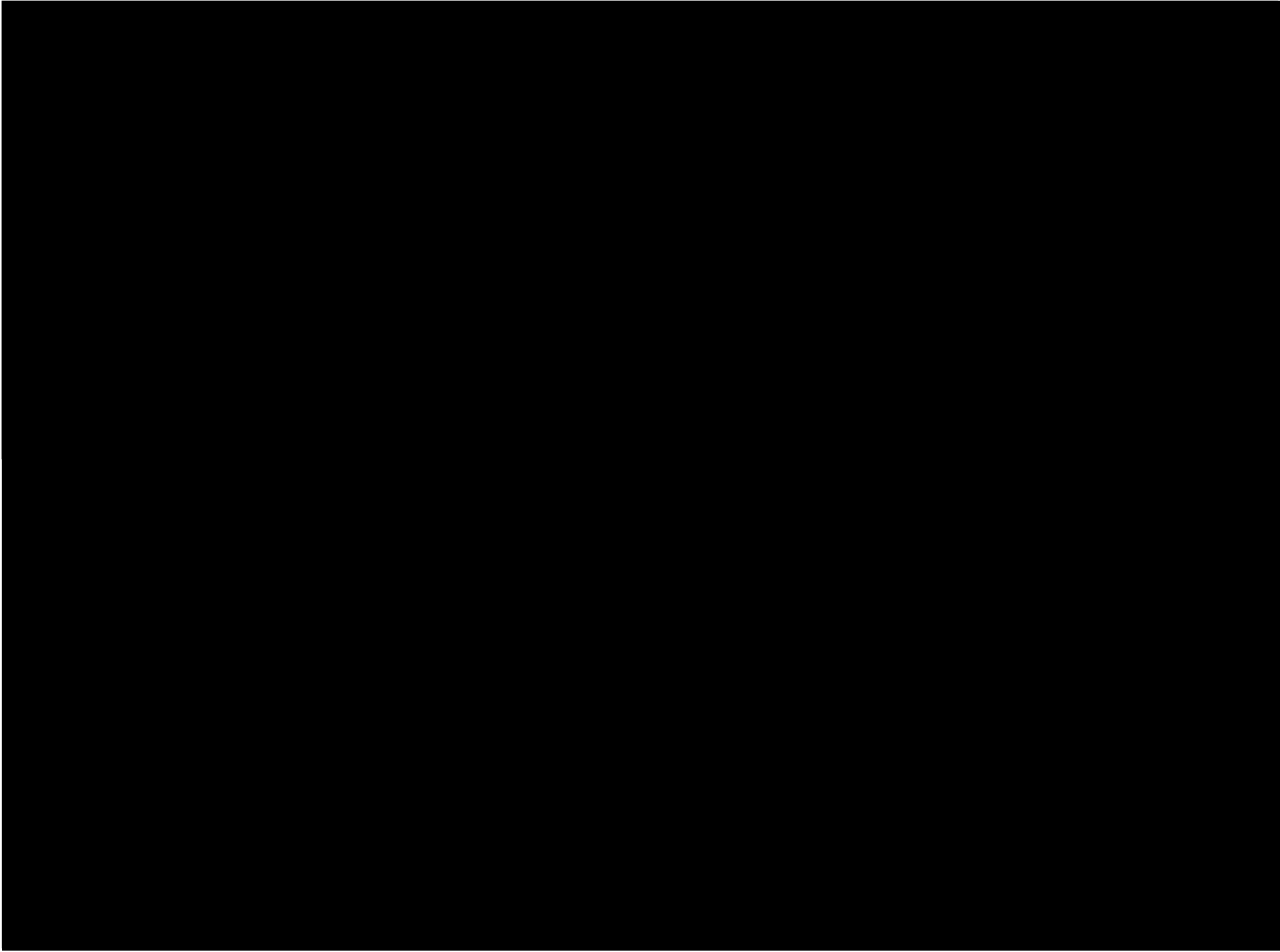
PUBLIC



PUBLIC







PX06

PUBLIC**Howe, Beth**

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>
Sent: Wednesday, August 31, 2022 12:16 PM
To: Howe, Beth
Cc: MacDonald, Colin; Calderon, Sophie; Roos, Breena; Barach, Kate; Halpern-Meekin, Ben
Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Beth

Since we're past 3pm EST here we have no choice but to state that we will not appear pending the ALJ's ruling on the petition. That being said, we are still open to a discussion concerning the scope and duration of the deposition – though I feel it is prudent for me to insist that we put any agreement clearly in writing. If you are amenable to that please let me know.

Warmest Regards,

Travis J. Jacobs, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
Tjacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

PUBLIC

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Wednesday, August 31, 2022 2:08 PM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>

Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>

Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

We are in receipt of your motion. We have found that the e-filing system sometimes requires a zero in front of the docket number to enable submission (*i.e.*, 09407).

With the service of this motion, can you please confirm that your client will not be appearing at all at tomorrow's scheduled deposition?

Sincerely,
Beth

M. Elizabeth Howe, Esq.

Federal Trade Commission | Northwest Region

206.220.4476

mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>

Sent: Wednesday, August 31, 2022 10:35 AM

To: Howe, Beth <mhowe@ftc.gov>

Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>

Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Ms. Howe,

As we repeatedly stated we would be filing the motion to quash any costs you incur in arranging the deposition for tomorrow are at your own risk.

We have served you with an Emergency Petition to Stay the Deposition and to Quash or Limit Deposition. The e-file system is not recognizing the docket number of 9407. Additional copies attached.

Warmest Regards,

PUBLIC

Travis J. Jacobs, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
Tjacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllc.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Wednesday, August 31, 2022 1:32 PM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>

Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>

Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

PUBLIC

Dear Travis,

Below please find the Zoom and AgileLaw logon information for tomorrow's scheduled deposition of Triares, Inc., beginning at 9:00am Pacific.

Sincerely,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

For The Record, Inc. is inviting you to a scheduled Zoom meeting.

Topic: Deposition of Triares, Inc.
Time: Sep 1, 2022 09:00 AM Pacific Time

Join Zoom Meeting

<https://us06web.zoom.us/j/88335227132>

Meeting ID: 883 3522 7132
Passcode: 829516

One tap mobile
+13017158592,,88335227132#,,,,*829516# US (Washington DC)
+13092053325,,88335227132#,,,,*829516# US

Dial by your location

- +1 301 715 8592 US (Washington DC)
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)
- +1 646 931 3860 US
- +1 386 347 5053 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 719 359 4580 US
- +1 720 707 2699 US (Denver)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

Meeting ID: 883 3522 7132

PUBLIC

Passcode: 829516

Find your local number: <https://us06web.zoom.us/j/kcXxUQPkXz>

Join by SIP

88335227132@zoomcrc.com

Join by H.323

162.255.37.11 (US West)

162.255.36.11 (US East)

Meeting ID: 883 3522 7132

Passcode: 829516

IMPORTANT NOTE TO COUNSEL: Please review the list of invitees to ensure all but only appropriate recipients are included (To: emails). Also, please monitor the Zoom participant list throughout the day.

Join an AgileLaw event.

Please go to <https://www.agilelaw.com/> and click “Join” in the top right of your screen.

Your PIN for this event is: \$46; 1491; =

- You will need to access the event by way of the Zoom invite and the AgileLaw invite using a split-screen approach on one device; one device with two monitors; or two devices, including tablets.
- You will not have access to the deposition until the host lets you in. The access code will not allow you to preview exhibits. If you join too early, you will be dismissed and have to join again.
- Google Chrome is the preferred web browser when using AgileLaw.
- To check your AgileLaw compatibility ahead of the event, go to <https://login.agilelaw.com/site/supportcheck>

From: Howe, Beth**Sent:** Tuesday, August 30, 2022 1:10 PM**To:** TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>**Cc:** MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>**Subject:** RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

PUBLIC

Dear Travis,

Attached please find a copy of the subpoena package as issued on June 28, 2022; I direct you to the certification on p. 5 of Attachment A to the Subpoena Duces Tecum (p. 6 of the .pdf).

We disagree with your recitation of events and, as previously indicated, will proceed with the deposition as scheduled on Sept. 1 independent of whether your client elects to submit the outstanding certification we previously requested. We will forward the information necessary for your client to appear.

Sincerely,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>
Sent: Tuesday, August 30, 2022 12:02 PM
To: Howe, Beth <mhowe@ftc.gov>
Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>
Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Ms. Howe,

First, as you know – we never raised any issue with any certification. I do not see any other certification in the packet. And you only referred to “the” certification (not multiple certifications). If there’s another certification, please send it to me via email and I will review it. If you receive this additional certification signed by a representative of my client is that sufficient to avoid a deposition?

Second, the 9/1 date was always conditioned on a reservation of rights (stated clearly in multiple emails). I was very transparent and explicit that we intended to file a motion to quash if you chose to proceed with the deposition. You entered into the arrangement, received the documents, and confirmed receipt with the knowledge that if you chose to proceed with the deposition we would file the motion to quash and at no time did you object to that or raise a timeliness issue. Nevertheless, my client’s willingness to work with you on the responses cannot be used as a tool to bully my client into a deposition we fully expected you would take off the docket when you received the supplemented responses you wanted – because that is the message that was being conveyed to us, perhaps not directly, but certainly indirectly.

I note that you have declined to discuss the conditions under which we would agree to proceed with the deposition.

Warmest Regards,

Travis J. Jacobs, Esq.

PUBLIC

36 Bromfield Street, Suite 502
 Boston, Massachusetts 02108
 800.652.4783 (P) / 888.613.1919 (F)
Tjacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>
Sent: Tuesday, August 30, 2022 2:33 PM
To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>
Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

PUBLIC

The certification I referred to in my 8/29 email is the separate certification found on page 5 of the subpoena (the attachment you forwarded is the records custodian certification found on p. 6). We specifically requested that your client execute both certifications as a condition of consideration of your request to cancel the deposition, and received only the records custodian certification.

With respect to your proposed motion, we will review whatever your client chooses to file, but again note that we consider such a filing to be untimely. At this point Complaint Counsel expects your client's appearance at a duly noted deposition, and we will prepare to go forward on Sept. 1 as previously agreed.

Sincerely,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>
Sent: Tuesday, August 30, 2022 11:13 AM
To: Howe, Beth <mhowe@ftc.gov>
Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>
Subject: Re: [External] Discussion; FTC Subpoenas to Triares, Inc.

Ms. Howe

Making statements in an email does not make them true. Much of what you wrote is a mischaracterization, and I feel very misled – lesson learned.

We will be filing the motion to quash and/or limit the deposition. If you would like to discuss conditions under which we would agree to proceed with the deposition, please let me know by 3pm today – since time is of the essence.

Also, much like the statements in the email, the certification that accompanied the subpoena was, in fact, provided to you. You acknowledged receipt of it in your email (screenshot attached and your email is in this chain). Despite that, you continue to allege that it was not provided. A copy of that certificate is attached again.

PUBLIC**Subject:** RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

I can confirm receipt and download of the following:

- 0048-0050.pdf
- 0051-0057.pdf
- 0058-0065.pdf
- 0066-0072.pdf
- 0073-0079.pdf
- 0080-0087.pdf
- 0088-0094.pdf
- 0095-0096.pdf
- 000097-026041.pdf
- 026042-053892.pdf
- KOR Certificate 8-26-2022.pdf
- Triares – FTC Final Draft – Supp Response to Subpoena 8-26-2022.pdf

Please advise whether anything is missing from that list that we should have received. We will review and revert as soon as possible.

Sincerely,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

Warmest regards,

Travis J. Jacobs, Esq.
THE JACOBS LAW LLC
[36 Bromfield Street, Suite 502](#)
[Boston, Massachusetts 02108](#)
[800.652.4783](#) (P) / [888.613.1919](#) (F)

TJacobs@TheJacobsLaw.com

www.TheJacobsLaw.com
www.WeKnowBusiness.legal

Twitter: @THEJACOBSLAW
Facebook: m.facebook.com/TheJacobsLaw

CONFIDENTIALITY NOTICE: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in

PUBLIC

transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS CIRCULAR 230 NOTICE: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllc.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. Any offer to settle or acceptance of an offer to settle is conditioned on a fully executed settlement agreement mutually agreed to by the interested parties.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Monday, August 29, 2022 8:02:27 PM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>

Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>;

Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>

Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

Your email below misstates our conferrals and Complaint Counsel's current position. Complaint Counsel cooperated with you to set your client's deposition for August 26, 2022, and Complaint Counsel's position that the deposition was necessary for the needs of the case never wavered. You conveyed to Complaint Counsel that you believed your client's document production in response to the Subpoena Duces Tecum would obviate the need for a deposition, which Complaint Counsel agreed to consider this as a possibility, expressly subject to review of your client's forthcoming production. After repeated delays, on August 18, 2022, Triares, Inc. produced two documents to Complaint Counsel along with extensive objections conveying the company's refusal to produce further materials. Following this response, Complaint Counsel informed you that the deposition would proceed on August 26. You then contacted Complaint Counsel to make arrangements for a supplemental production, again asking for Complaint Counsel to consider the forthcoming production in conjunction with a request to cancel your client's deposition. Complaint Counsel once again agreed to review your client's production for this purpose but explicitly did not agree that the proposed production would necessarily result in cancellation of the deposition. At your request, Complaint Counsel cooperated with you to reschedule the deposition for Sept. 1, 2022 specifically to allow your client the time to supplement its production and to keep the deposition on the calendar if your client's proposed production did not provide a reason to forego the deposition.

Complaint Counsel has now reviewed your supplemental production and the accompanying supplemental written responses and found, *inter alia*, that (i) documents and data produced to date do not speak for themselves, and do not obviate the need for your client's testimony regarding these materials; (ii) your client has not provided the certification included with the document subpoena (*see* Subpoena Duces Tecum, p. 5), which we had discussed would be required in order to consider cancelling the deposition; and (iii) the documents and data your client has provided are not in the form described during our conferrals, when you conveyed your client's request to postpone the deposition in favor of a supplemental production.

PUBLIC

To date, your client has not provided so much as an objection to the deposition subpoena setting forth any basis why your client should not appear. We will review any motion your client should file, though we note that we do not see how such a motion could be timely (see 16 C.F.R. §3.34(c)). We will otherwise be prepared to move forward with the deposition on Thursday, and will forward the necessary conference and court reporter information. It would be helpful, regardless of your planned motion practice, if your client could confirm whether it will stipulate to the court reporter administering the oath remotely should the deposition go forward.

Sincerely,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Sent: Monday, August 29, 2022 2:22 PM
To: Howe, Beth <mhowe@ftc.gov>
Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>
Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Beth,

I don't feel you've acted in good faith here. First the issue was that our client had not provided enough of what you asked for. Then we produce what you asked for on your representation that if we produced what you asked for, you would consider taking the deposition off. Now your position is that we've produced too much and the deposition must go forward?

We will move to quash.

Warmest Regards,

Travis J. Jacobs, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
TJacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE

PUBLIC

Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllc.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Monday, August 29, 2022 5:10 PM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>

Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>

Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

We have reviewed your client's supplemental document production. Based on what your client has produced and Triares' role in providing the leads underlying the HomeAdvisor representations at issue in our case, we have determined that the deposition will need to go forward on Sept. 1 as planned.

As discussed, please advise whether your client will stipulate to the court reporter administering the oath remotely.

Best,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>

Sent: Monday, August 29, 2022 8:47 AM

To: Howe, Beth <mhowe@ftc.gov>

Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

PUBLIC

Looks like you've downloaded them all.
Let me know.
Thanks.

Warmest Regards,

Travis J. Jacobs, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
TJacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllc.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Friday, August 26, 2022 7:03 PM

PUBLIC**To:** TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>**Cc:** MacDonald, Colin <cmacdonald@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>**Subject:** RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

I can confirm receipt and download of the following:

- 0048-0050.pdf
- 0051-0057.pdf
- 0058-0065.pdf
- 0066-0072.pdf
- 0073-0079.pdf
- 0080-0087.pdf
- 0088-0094.pdf
- 0095-0096.pdf
- 000097-026041.pdf
- 026042-053892.pdf
- KOR Certificate 8-26-2022.pdf
- Triares – FTC Final Draft – Supp Response to Subpoena 8-26-2022.pdf

Please advise whether anything is missing from that list that we should have received. We will review and revert as soon as possible regarding the deposition.

Sincerely,
Beth

M. Elizabeth Howe, Esq.

Federal Trade Commission | Northwest Region

206.220.4476

mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>**Sent:** Thursday, August 25, 2022 1:59 PM**To:** Howe, Beth <mhowe@ftc.gov>**Cc:** MacDonald, Colin <cmacdonald@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>**Subject:** RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Beth,

9/1/2022 at 12pm EST is fine – that is one of the dates / times we proposed.

Compiling the documents now.

Warmest Regards,

Travis J. Jacobs, Esq.

PUBLIC

36 Bromfield Street, Suite 502
 Boston, Massachusetts 02108
 800.652.4783 (P) / 888.613.1919 (F)
Tjacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Wednesday, August 24, 2022 4:43 PM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>

Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>

Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

As we discussed, please confirm your client's available date(s) for deposition next week as soon as possible, as we will also need to confirm the proposed alternat date with HomeAdvisor's counsel. If we do not have confirmation of an

PUBLIC

alternate date on all sides by **COB tomorrow**, we will need to move forward with the deposition as previously scheduled on Friday. We look forward to the documents and information your client plans to produce.

Separately, as I mentioned, please advise whether your client will stipulate that the remote professional reporter may administer the oath at the deposition.

Best,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Sent: Wednesday, August 24, 2022 4:51 AM
To: Howe, Beth <mhowe@ftc.gov>
Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>
Subject: Re: [External] Discussion; FTC Subpoenas to Triares, Inc.

Atty. Howe,

We appreciate the extensions and your cooperation and consideration of our concerns.

We also understand your position, and we also reserve our right to move to quash or otherwise limit the non-party deposition and/or documents subpoena if we are unable to come to a mutually agreeable arrangement. We have made significant progress to date and I am confident we will be able to compromise on the outstanding concerns.

I am available at or after 4pm EST which seems to be 1pm PST. Can you do any time after 1pm PST?

Warmest regards,

Travis J. Jacobs, Esq.
THE JACOBS LAW LLC
[36 Bromfield Street, Suite 502](#)
[Boston, Massachusetts 02108](#)
[800.652.4783](tel:800.652.4783) (P) / [888.613.1919](tel:888.613.1919) (F)

TJacobs@TheJacobsLaw.com

www.TheJacobsLaw.com
www.WeKnowBusiness.legal

Twitter: @THEJACOBSLAW
Facebook: m.facebook.com/TheJacobsLaw

CONFIDENTIALITY NOTICE: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

PUBLIC

IRS CIRCULAR 230 NOTICE: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. Any offer to settle or acceptance of an offer to settle is conditioned on a fully executed settlement agreement mutually agreed to by the interested parties.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Wednesday, August 24, 2022 1:47:50 AM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>

Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>

Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

I can speak at 8:30am Pacific with a hard stop at 9:00, or 10:30 Pacific, again with a hard stop at 11:00. Let me know what time works and I will send a zoom.

As we discussed, an additional production does not guarantee that Complaint Counsel will consent to forego your client's deposition; we will have to review what your client ultimately produces to make that determination. Also, as I have noted previously, we will not take Triares' deposition fully off the calendar until we have reviewed such a production so as to lose our opportunity to take the deposition.

Given that our Scheduling Order requires us to produce any additional production from Triares to HomeAdvisor at least three Business Days prior to the deposition, and this would no longer be possible for Friday's scheduled deposition, your client is effectively asking to postpone the deposition. As I told you yesterday, you will need to confirm your client's deposition availability **for a date next week** in order for us to consider pushing Friday's deposition to accommodate the proposed production. Please advise on that date as soon as possible, as we will need to confirm the date with HomeAdvisor before we push the current date.

Best,
Beth

M. Elizabeth Howe, Esq.

Federal Trade Commission | Northwest Region

206.220.4476

mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>

Sent: Tuesday, August 23, 2022 7:07 PM

To: Howe, Beth <mhowe@ftc.gov>

Subject: Re: Discussion; FTC Subpoenas to Triares, Inc.

PUBLIC

Beth

I spoke with my client and I would like to discuss the conditions under which we can send you data from 9/2020 that includes all the questions asked on all sites for all services during that time related to leads generated for HomeAdvisor.

When is the earliest you're available to discuss tomorrow 8/24?

Warmest regards,

Travis J. Jacobs, Esq.
THE JACOBS LAW LLC
[36 Bromfield Street, Suite 502](#)
[Boston, Massachusetts 02108](#)
[800.652.4783](#) (P) / [888.613.1919](#) (F)

TJacobs@TheJacobsLaw.com

www.TheJacobsLaw.com
www.WeKnowBusiness.legal

Twitter: @THEJACOBSLAW
Facebook: [m.facebook.com/TheJacobsLaw](https://www.facebook.com/TheJacobsLaw)

CONFIDENTIALITY NOTICE: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS CIRCULAR 230 NOTICE: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. Any offer to settle or acceptance of an offer to settle is conditioned on a fully executed settlement agreement mutually agreed to by the interested parties.

From: TRAVIS J. JACOBS, ESQ.
Sent: Monday, August 22, 2022 12:10:55 PM
To: Howe, Beth <mhowe@ftc.gov>
Subject: Accepted: Discussion; FTC Subpoenas to Triares, Inc.
When: Monday, August 22, 2022 4:00 PM-4:30 PM.
Where: <https://ftc.zoomgov.com/j/1610349940?pwd=NkwzSEdGppbC9QdHI5bTV3TS9SQTO9>

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

PUBLIC

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

PX07

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

In the Matter of)	
)	
HOMEADVISOR, INC., a corporation)	DOCKET NO. 9407
d/b/a ANGI LEADS,)	
d/b/a HOMEADVISOR POWERED BY ANGI.)	
)	

**SUPPLEMENTAL RESPONSES AND OBJECTIONS OF
NON-PARTY TRIARES INC. TO SUBPOENA DUCES TECUM**

Pursuant to 16 C.F.R. § 3.34 and § 3.37, Triares Inc. (“Triares”), a non-party to this proceeding, hereby supplements its objections and responses to the Subpoena Duces Tecum dated June 28, 2022 and served upon its registered agent on or about July 7, 2022 by the Federal Trade Commission (“FTC”) (the “Subpoena”)¹.

GENERAL OBJECTIONS

1. Triares incorporates by reference here and into each of its responses, whether or not repeated herein or therein, the General Objections set forth in Triares’ original Responses and Objections dated August 17, 2022, as well as any specifically stated objections. Triares Inc. may repeat a general objection for emphasis or some other reason, but the failure to do so does not waive any general objection to the Subpoena. Triares Inc. does not waive its right to amend its objections or responses. Triares Inc.’s willingness to provide any of the requested responses or information is not an admission that such request, response, data or information are relevant and/or admissible.

¹ Attorneys for the FTC graciously granted counsel for Triares an extension to respond to the subpoenas due to this counsel’s debilitating COVID-19 infection that followed a pre-planned 10 day trip to Europe.

1. Triares Inc. does not waive its right to seek reimbursement of its reasonable costs and expenses incurred in relation to its responses to the Subpoena.
2. Triares Inc. does not waive its right to move to quash or otherwise limit the Subpoena.

SPECIFIC OBJECTIONS AND RESPONSES

REQUEST NO. 1:

Each version of any web-page or other consumer-facing interface, whether electronic or physical, by which **You** obtained **Consumer-Specific Information** that **You** subsequently provided to **HomeAdvisor**.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 1:

In addition to and in express reliance on the General Objections incorporated by reference above, Triares, Inc. objects to this Request on the grounds that it is overly broad and unduly burdensome. Triares objects to this Request on the grounds that it is not reasonably limited in time or scope. *See Andra Grp., LP v. JDA Software Grp., Inc.*, 312 F.R.D. 444, 450 (N.D. Tex. 2015) (noting that a Court may find that a subpoena presents an undue burden when the subpoena is facially overbroad). Moreover, Triares Inc. objects to this Request to the extent it seeks information that is not relevant to any claim or defense of any party in this action, and/or not reasonably calculated to lead to the discovery of admissible evidence.

Triares also objects to this Request to the extent it seeks information or documents that constitute, contain, or refer to trade secrets or other confidential business and commercial information of Triares, including proprietary information or commercially and/or competitively sensitive information. The FTC does not allege, nor is there any evidence to suggest, that Triares communicated any service requests or made any of the alleged representations to any “Service Provider” of the Respondent during the relevant time period, or at any other time. Triares treats the documents and/or information sought in this Request as highly confidential, proprietary, and

competitively sensitive business information – a trade secret that Triares protects from both competitors and the public at large, and Triares has not disclosed such information to the Respondent.

The Subpoena seeks Triares' highly confidential, proprietary, and competitively sensitive business information and trade secrets despite the fact that Triares (a) protects such materials and data from disclosure to any third party including, without limitation, the Respondent, *and* (b) has never provided such materials or data to Respondent *nor* permitted Respondent to access such materials or data. Thus, neither the “web-page or other consumer-facing interface”, the content thereon nor the URLs associated therewith would be known to or reviewed by Respondent, and therefore such materials and information have no relevance to any of the claims, issues or defenses raised in the above-captioned action. Although the fact that Triares protects such materials and data as highly confidential, proprietary, and competitively sensitive business information and trade secrets may, itself, be relevant to the allegations in the Complaint, the underlying materials and data sought by the Subpoena are irrelevant and immaterial.

Although Triares recognizes that a protective order was entered in this action on March 14, 2022, it is not clear that the federal court's records storage systems are sufficiently secure to protect Triares' highly confidential, proprietary, and competitively sensitive business information and trade secrets from unauthorized disclosure. It has been widely reported as recently as July 28, 2022, that the U.S. Dept. of Justice continues to investigate a massive data breach of the U.S. federal courts system that extends as far back as 2020. See Josh Gerstein, “Justice Department Investigating Data Breach of Federal Court System.” *Politico.com*. July 28, 2022, www.politico.com/news/2022/07/28/justice-department-data-breach-federal-court-system-

[00048485](#) Accessed August 15, 2022. The Administrative Office of the U.S. Courts (“AO”) published a statement on January 6, 2021 concerning the breach that read in relevant part:

The AO is working with the Department of Homeland Security on a security audit relating to **vulnerabilities in the Judiciary’s Case Management/Electronic Case Files system (CM/ECF) that greatly risk compromising highly sensitive non-public documents stored on CM/ECF, particularly sealed filings.** An apparent compromise of the confidentiality of the CM/ECF system due to these discovered vulnerabilities currently is under investigation. Due to the nature of the attacks, the review of this matter and its impact is ongoing. (emphasis added).

See “Judiciary Addresses Cybersecurity Breach: Extra Safeguard to Protect Sensitive Court Records.” *USCourts.gov*. January 6, 2021, www.uscourts.gov/news/2021/01/06/judiciary-addresses-cybersecurity-breach-extra-safeguards-protect-sensitive-court Accessed August 17, 2022.

It is not yet clear that the ‘security audit’ has been completed or that the vulnerabilities identified in the AO’s statement have been fully addressed or resolved.

Given that Triares is a non-party to this action, the Subpoena seeks highly confidential, proprietary, and competitively sensitive business information and trade secrets which are not relevant to the claims, issues or defenses raised in this action, and the burden of disclosure to Triares, Triares further objects to the Request on the grounds that such proprietary information and trade secrets may be at far greater risk of unauthorized disclosure if produced. Thus, Triares objects on the grounds that the injury that may result from disclosure far outweighs the need, if any exists, for the proprietary and competitively sensitive business information and trade secrets sought by the Subpoena.

Finally, Triares objects to this Request on the grounds that the burden of producing the requested documents is disproportionate to, and outweighs the needs of, the case. *See FTC. v. Bowman*, 149 F. Supp. 624, 629–30 (N.D. Ill.), *aff’d*, 248 F.2d 456 (7th Cir. 1957) (whether or not

requested information is or may be relevant to a pending proceeding, the imposition of a heavy burden upon non-party should be avoided and is a ground for an order limiting the duty to produce).

Subject to and without waiving its Specific and General Objections to this Request, Triares has produced responsive, non-privileged information within its possession, custody, or control and located after a reasonably diligent search, to the extent that Triares comprehends the Request, and subject to the Protective Order of March 14, 2022 and the following limitations: Triares withholds two (2) websites the title of which (but not the uniform resource locator (“URL”)) may have been inadvertently referenced in a forum accessible to the public. Triares has not disclosed the URL, title or related website information to Respondent, has no reason to believe Respondent is aware of such information and Triares classifies such information as highly confidential, proprietary, and competitively sensitive business information and trade secrets. See Documents marked “CONFIDENTIAL – FTC Docket No. 9407” and numbered 0048 – 0096.

REQUEST NO. 2:

To the extent that any **Document** identified and produce in response to Request for Production No. 1 was made available by **You** at an internet address, and the Uniform Resource Locator (URL) for that internet address is not included within the **Document**, **Documents** sufficient to show the URL at which the **Document** is or was located.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 2:

In addition to and in express reliance on the General Objections incorporated by reference above, Triares, Inc. objects to this Request on the grounds that it is overly broad and unduly burdensome. Moreover, Triares Inc. objects to this Request to the extent it seeks information that is not relevant to any claim or defense of any party in this action, and/or not reasonably calculated to lead to the discovery of admissible evidence.

Triares also objects to this Request to the extent it seeks information or documents that constitute, contain, or refer to trade secrets or other confidential business and commercial

information of Triares, including proprietary information or commercially and/or competitively sensitive information. The FTC does not allege, nor is there any evidence to suggest, that Triares communicated any service requests or made any of the alleged representations to any “Service Provider” of the Respondent during the relevant time period, or at any other time. Triares treats the documents and/or information sought in this Request as highly confidential, proprietary, and competitively sensitive business information – a trade secret that Triares protects from both competitors and the public at large, and Triares has not disclosed such information to the Respondent.

The Subpoena seeks Triares’ highly confidential, proprietary, and competitively sensitive business information and trade secrets despite the fact that Triares (a) protects such materials and data from disclosure to any third party including, without limitation, the Respondent, *and* (b) has never provided such materials or data to Respondent *nor* permitted Respondent to access such materials or data. Thus, neither the “web-page or other consumer-facing interface”, the content thereon nor the URLs associated therewith would be known to or reviewed by Respondent, and therefore such materials and information have no relevance to any of the claims, issues or defenses raised in the above-captioned action. Although the fact that Triares protects such materials and data as highly confidential, proprietary, and competitively sensitive business information and trade secrets may, itself, be relevant to the allegations in the Complaint, the underlying materials and data sought by the Subpoena are irrelevant and immaterial.

Although Triares recognizes that a protective order was entered in this action on March 14, 2022, it is not clear that the federal court’s records storage systems are sufficiently secure to protect Triares’ highly confidential, proprietary, and competitively sensitive business information and trade secrets from unauthorized disclosure. It has been widely reported as recently as July 28,

2022, that the U.S. Dept. of Justice continues to investigate a massive data breach of the U.S. federal courts system that extends as far back as 2020. See Josh Gerstein, “Justice Department Investigating Data Breach of Federal Court System.” *Politico.com*. July 28, 2022, www.politico.com/news/2022/07/28/justice-department-data-breach-federal-court-system-00048485 Accessed August 15, 2022. The Administrative Office of the U.S. Courts (“AO”) published a statement on January 6, 2021 concerning the breach that read in relevant part:

The AO is working with the Department of Homeland Security on a security audit relating to **vulnerabilities in the Judiciary’s Case Management/Electronic Case Files system (CM/ECF) that greatly risk compromising highly sensitive non-public documents stored on CM/ECF, particularly sealed filings**. An apparent compromise of the confidentiality of the CM/ECF system due to these discovered vulnerabilities currently is under investigation. Due to the nature of the attacks, the review of this matter and its impact is ongoing. (emphasis added).

See “Judiciary Addresses Cybersecurity Breach: Extra Safeguard to Protect Sensitive Court Records.” *USCourts.gov*. January 6, 2021, www.uscourts.gov/news/2021/01/06/judiciary-addresses-cybersecurity-breach-extra-safeguards-protect-sensitive-court Accessed August 17, 2022.

It is not yet clear that the ‘security audit’ has been completed or that the vulnerabilities identified in the AO’s statement have been fully addressed or resolved.

Given that Triares is a non-party to this action, the Subpoena seeks highly confidential, proprietary, and competitively sensitive business information and trade secrets which are not relevant to the claims, issues or defenses raised in this action, and the burden of disclosure to Triares, Triares further objects to the Request on the grounds that such proprietary information and trade secrets may be at far greater risk of unauthorized disclosure if produced. Thus, Triares objects on the grounds that the injury that may result from disclosure far outweighs the need, if any exists,

for the proprietary and competitively sensitive business information and trade secrets sought by the Subpoena.

Triares objects to this Request on the grounds that the burden of producing the requested documents is disproportionate to, and outweighs the needs of, the case. *See FTC. v. Bowman*, 149 F. Supp. 624, 629–30 (N.D. Ill.), *aff'd*, 248 F.2d 456 (7th Cir. 1957) (whether or not requested information is or may be relevant to a pending proceeding, the imposition of a heavy burden upon non-party should be avoided and is a ground for an order limiting the duty to produce).

Finally, Triares further objects to this Request as unreasonably cumulative or duplicative to the extent the Request calls for the same information as Request No. 1. See also Response to Request No. 1.

Subject to and without waiving its Specific and General Objections to this Request, Triares has produced responsive, non-privileged information within its possession, custody, or control and located after a reasonably diligent search, to the extent that Triares comprehends the Request, and subject to the Protective Order of March 14, 2022 and the following limitations: Triares withholds two (2) websites the title of which (but not the uniform resource locator (“URL”)) may have been inadvertently referenced in a forum accessible to the public. Triares has not disclosed the URL, title or related website information to Respondent, has no reason to believe Respondent is aware of such information and Triares classifies such information as highly confidential, proprietary, and competitively sensitive business information and trade secrets. See Documents marked “CONFIDENTIAL – FTC Docket No. 9407” and numbered 0048 – 0096.

REQUEST NO. 3:

Documents sufficient to show all discrete categories of **Consumer-Specific Information** (e.g. name, address, phone, e-mail address, specific home project needs) that **You** provide or have provided to **HomeAdvisor**.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 3:

In addition to and in express reliance on the General Objections incorporated by reference above, Triares, Inc. objects to this Request on the grounds that it is overly broad and unduly burdensome. Triares objects to this Request on the grounds that it is not reasonably limited in time or scope. *See Andra Grp., LP v. JDA Software Grp., Inc.*, 312 F.R.D. 444, 450 (N.D. Tex. 2015) (noting that a Court may find that a subpoena presents an undue burden when the subpoena is facially overbroad).

Triares Inc. objects to this Request to the extent it seeks information that is not relevant to any claim or defense of any party in this action, and/or not reasonably calculated to lead to the discovery of admissible evidence. Triares also objects to this Request to the extent it seeks documents and/or data that are the confidential and proprietary information of another third party or the subject of non-disclosure agreements and/or confidentiality agreements with third parties. Triares objects to this Request to the extent that it seeks information outside of Triares' possession, custody or control, and Triares objects to this Request to the extent that it seeks information that may be obtained from another source that is more convenient, less burdensome, and/or less expensive including, without limitation, the Respondent. The same information could be obtained without cost, expense or burden to Triares Inc. through a discovery request directed to the Respondent in the above-captioned action. Finally, Triares objects to this Request on the grounds that the burden of producing the requested documents is disproportionate to, and outweighs the needs of, the case.

Subject to and without waiving its Specific and General Objections to this Request, Triares has produced responsive, non-privileged information within its possession, custody, or control and located after a reasonably diligent search, to the extent that Triares comprehends the Request, and

subject to the Protective Order of March 14, 2022 and the following limitations: to the extent that any discrete categories of data are transmitted by Triares to Respondent it does not necessarily mean a transmission contains data for all categories at all times, and the categories of data transmitted may differ for each transmission. See Documents marked “CONFIDENTIAL – FTC Docket No. 9407” and numbered 0001 – 0047.

REQUEST NO. 4:

All **Consumer-Specific Information You** provided to **HomeAdvisor** in September 2020.

SUPPLEMENTAL RESPONSE TO REQUEST NO. 4:

In addition to and in express reliance on the General Objections set forth above, Triares, Inc. objects to this Request on the grounds that it is overly broad and unduly burdensome. Moreover, Triares Inc. objects to this Request to the extent it seeks information that is not relevant to any claim or defense of any party in this action, and/or not reasonably calculated to lead to the discovery of admissible evidence. Triares also objects to this Request to the extent it seeks documents and/or data that are the confidential and proprietary information of another third party or the subject of non-disclosure agreements and/or confidentiality agreements with third parties. Triares objects to this Request to the extent that it seeks information that may be obtained from another source that is more convenient, less burdensome, and/or less expensive including, without limitation, the Respondent. The same information could be obtained without cost, expense or burden to Triares Inc. through a discovery request directed to the Respondent in the above-captioned action. *See Echostar Commc'ns Corp. v. News Corp.*, 180 F.R.D. 391, 395 (D. Colo. 1998) (where the Court concluded the requesting party had not demonstrated a “substantial need” because the materials sought from the non-party were as readily available from the other party to

the action as they were from non-parties, and the requesting party “had not yet exhausted its efforts to seek production of such materials from” the other party).

Finally, Triares objects to this Request on the grounds that the burden of producing the requested documents is disproportionate to, and outweighs the needs of, the case.

Subject to and without waiving its Specific and General Objections to this Request, Triares has produced responsive, non-privileged information within its possession, custody, or control and located after a reasonably diligent search, to the extent that Triares comprehends the Request, and subject to the Protective Order of March 14, 2022: See Documents marked “CONFIDENTIAL – FTC Docket No. 9407” and numbered 0097-053892.

ATTORNEY FOR TRIARES, INC.
THE JACOBS LAW, LLC

By: */s/ Travis J. Jacobs, Esq.*

DATED: 8/26/2022

Travis J. Jacobs, BBO# 671921
The Jacobs Law, LLC
36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800-652-4783 (P) / 888-613-1919 (F)
TJacobs@TheJacobsLaw.com

PX08

PUBLIC**Howe, Beth**

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>
Sent: Wednesday, August 31, 2022 1:54 PM
To: Howe, Beth
Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Beth,

I have been very transparent and upfront – no double speak. And I will continue to do so. My objections are the same as they’ve always been.

In my last email – not having the mountain of documents in front of me - I said I “think” it was #3. I was mistaken. It is #2 – which refers to the ‘avenues’ / website URLs and related info that are one of the key issues I’ve raised since our first discussion; and it is the topic number raised in the motion to stay/quash/limit.

I offered to proceed with the deposition yesterday (greater than 24 hours from the start time) when I proposed a discussion to limit the scope of the deposition to exclude Triares’ trade secrets – but you replied twice and made no reference to that proposal. I offered again earlier today at 11:30am but when we received no response by 3:16pm EST, it was getting too late to coordinate and I could not keep my client (or my kids) in limbo as to what I will be doing tomorrow. It is interesting, though, that I received a response within 40 minutes of my 3:16pm EST email but it was 4.5 hours before any response to the 11:30am EST email containing the offer to find a compromise to move forward tomorrow.

Your email (356pm EST) seems to suggest that you wont even attempt written questions to lesson the burden on a nonparty due to your own presumptions about timing and “your client’s reticence to provide information to date”. My client just provided you all the documents we had agreed to – 56,000 pages of data. I’m not sure how that translates into a ‘reticence to provide information’.

All other things aside, Triares produced what we agreed to produce in our discussions as a condition of you withdrawing the deposition subpoena altogether – I know that for certain. I don’t know why you reneged on that, but I’m certain there was a better way to have handled it than just suddenly doing so 2 days prior to the depo. And just to be clear - we did not refuse to attend the deposition tomorrow – we offered several times to discuss the limitations in scope of the deposition so as to avoid disclosure of Triares’ trade secrets and you chose not to engage us on those concerns. Why not?

Warmest Regards,

Travis J. Jacobs, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
TJacobs@TheJacobsLaw.com

PUBLIC

www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>
Sent: Wednesday, August 31, 2022 3:56 PM
To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>
Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

At this point, with the deposition fewer than 24 hours away, we are not in a position to conduct last minute negotiations to limit our duly-noticed topics, especially where (i) the four topics stated are already very limited, and (ii) any objections or requests for limitation should have been discussed in our prior conferrals or via written objections served within a reasonable amount of time after service of the subpoena. To date, you have not articulated objections to any specific topic in the deposition subpoena, nor does your latest correspondence explain why Topic 3 (consumer complaints relating to your client's provision of information to HomeAdvisor) presents such an existential risk to your client that Complaint Counsel should agree to abandon it on the eve of deposition. Additionally, your client's claims that the deposition topics delve into the realm of their trade secrets should not be a bar to deposition on those topics where the Protective Order in this case provides protection from dissemination of this information (even from the Respondent, see para. 7) and restrictions for its use.

PUBLIC

Additionally, your suggested alternative that Complaint Counsel instead furnish written questions to your client and negotiate for production of additional documents is not viable because, given the time constraints of this case and your client's reticence to provide information to date, we cannot be assured that this will be an equally effective method of obtaining the needed discovery as a deposition under oath. We note that the close of discovery in this matter is Sept. 6 and that we do not have time to formulate interrogatories to your client, seek agreement as to their scope, receive responses, and negotiate any necessary supplementation or amendment in the next six days over a holiday weekend.

Thank you for confirming by separate email that Triares is refusing to produce a deponent at tomorrow's deposition. We will proceed accordingly.

Sincerely,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>
Sent: Wednesday, August 31, 2022 11:30 AM
To: Howe, Beth <mhowe@ftc.gov>
Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>
Subject: Re: [External] Discussion; FTC Subpoenas to Triares, Inc.

Unfortunately some things aren't intuitive. I read the external filing manual - it required D09407.

We are still open to a discussion limiting the deposition. As it currently reads, topic 3 I believe in the subpoena puts my (small) client in an impossible position - one that risks the loss of livelihood for their families. That is an existential concern for them.

Will you agree to limit the deposition by excluding that topic and trade secret information?

Alternatively, as I have explained previously (given the duration of time and the specifics you seem interested in), I suspect you would get better information through documents and written responses. Would you be willing to agree to submit written questions that my client can respond to and supplement with documents if necessary?

Warmest regards,

Travis J. Jacobs, Esq.
THE JACOBS LAW LLC
[36 Bromfield Street, Suite 502](https://www.thejacobsllc.com)
[Boston, Massachusetts 02108](https://www.thejacobsllc.com)
[800.652.4783](tel:800.652.4783) (P) / [888.613.1919](tel:888.613.1919) (F)

TJacobs@TheJacobsLaw.com

www.TheJacobsLaw.com
www.WeKnowBusiness.legal

Twitter: @THEJACOBSLAW

PUBLICFacebook: m.facebook.com/TheJacobsLaw

CONFIDENTIALITY NOTICE: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS CIRCULAR 230 NOTICE: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. Any offer to settle or acceptance of an offer to settle is conditioned on a fully executed settlement agreement mutually agreed to by the interested parties.

From: Howe, Beth <mhowe@ftc.gov>
Sent: Wednesday, August 31, 2022 2:07:55 PM
To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>
Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

We are in receipt of your motion. We have found that the e-filing system sometimes requires a zero in front of the docket number to enable submission (*i.e.*, 09407).

With the service of this motion, can you please confirm that your client will not be appearing at all at tomorrow's scheduled deposition?

Sincerely,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Sent: Wednesday, August 31, 2022 10:35 AM
To: Howe, Beth <mhowe@ftc.gov>
Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>
Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

PUBLIC

Ms. Howe,

As we repeatedly stated we would be filing the motion to quash any costs you incur in arranging the deposition for tomorrow are at your own risk.

We have served you with an Emergency Petition to Stay the Deposition and to Quash or Limit Deposition. The e-file system is not recognizing the docket number of 9407. Additional copies attached.

Warmest Regards,

Travis J. Jacobs, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
TJacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllc.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

PUBLIC

From: Howe, Beth <mhowe@ftc.gov>
Sent: Wednesday, August 31, 2022 1:32 PM
To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>
Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

Below please find the Zoom and AgileLaw logon information for tomorrow's scheduled deposition of Triares, Inc., beginning at 9:00am Pacific.

Sincerely,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

For The Record, Inc. is inviting you to a scheduled Zoom meeting.

Topic: Deposition of Triares, Inc.
Time: Sep 1, 2022 09:00 AM Pacific Time

Join Zoom Meeting

<https://us06web.zoom.us/j/88335227132>

Meeting ID: 883 3522 7132
Passcode: 829516

One tap mobile
+13017158592,,88335227132#,,, *829516# US (Washington DC)
+13092053325,,88335227132#,,, *829516# US

Dial by your location
+1 301 715 8592 US (Washington DC)
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 646 931 3860 US
+1 386 347 5053 US
+1 564 217 2000 US
+1 669 444 9171 US

PUBLIC

+1 719 359 4580 US
+1 720 707 2699 US (Denver)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)

Meeting ID: 883 3522 7132
Passcode: 829516

Find your local number: <https://us06web.zoom.us/j/88335227132>

Join by SIP
88335227132@zoomcrc.com

Join by H.323
162.255.37.11 (US West)
162.255.36.11 (US East)

Meeting ID: 883 3522 7132
Passcode: 829516

IMPORTANT NOTE TO COUNSEL: Please review the list of invitees to ensure all but only appropriate recipients are included (To: emails). Also, please monitor the Zoom participant list throughout the day.

Join an AgileLaw event.

Please go to <https://www.agilelaw.com/> and click “Join” in the top right of your screen.

Your PIN for this event is: 46; 1491; =

- You will need to access the event by way of the Zoom invite and the AgileLaw invite using a split-screen approach on one device; one device with two monitors; or two devices, including tablets.
- You will not have access to the deposition until the host lets you in. The access code will not allow you to preview exhibits. If you join too early, you will be dismissed and have to join again.
- Google Chrome is the preferred web browser when using AgileLaw.
- To check your AgileLaw compatibility ahead of the event, go to <https://login.agilelaw.com/site/supportcheck>

PUBLIC**From:** Howe, Beth**Sent:** Tuesday, August 30, 2022 1:10 PM**To:** TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>**Cc:** MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>**Subject:** RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

Attached please find a copy of the subpoena package as issued on June 28, 2022; I direct you to the certification on p. 5 of Attachment A to the Subpoena Duces Tecum (p. 6 of the .pdf).

We disagree with your recitation of events and, as previously indicated, will proceed with the deposition as scheduled on Sept. 1 independent of whether your client elects to submit the outstanding certification we previously requested. We will forward the information necessary for your client to appear.

Sincerely,
Beth

M. Elizabeth Howe, Esq.

Federal Trade Commission | Northwest Region

206.220.4476

mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>**Sent:** Tuesday, August 30, 2022 12:02 PM**To:** Howe, Beth <mhowe@ftc.gov>**Cc:** MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>**Subject:** RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Ms. Howe,

First, as you know – we never raised any issue with any certification. I do not see any other certification in the packet. And you only referred to “the” certification (not multiple certifications). If there’s another certification, please send it to me via email and I will review it. If you receive this additional certification signed by a representative of my client is that sufficient to avoid a deposition?

Second, the 9/1 date was always conditioned on a reservation of rights (stated clearly in multiple emails). I was very transparent and explicit that we intended to file a motion to quash if you chose to proceed with the deposition. You entered into the arrangement, received the documents, and confirmed receipt with the knowledge that if you chose to proceed with the deposition we would file the motion to quash and at no time did you object to that or raise a timeliness issue. Nevertheless, my client’s willingness to work with you on the responses cannot be used as a tool to bully my client into a deposition we fully expected you would take off the docket when you received the supplemented responses you wanted – because that is the message that was being conveyed to us, perhaps not directly, but certainly indirectly.

I note that you have declined to discuss the conditions under which we would agree to proceed with the deposition.

Warmest Regards,

PUBLIC

Travis J. Jacobs, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
Tjacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Tuesday, August 30, 2022 2:33 PM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>

Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>

Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

PUBLIC

The certification I referred to in my 8/29 email is the separate certification found on page 5 of the subpoena (the attachment you forwarded is the records custodian certification found on p. 6). We specifically requested that your client execute both certifications as a condition of consideration of your request to cancel the deposition, and received only the records custodian certification.

With respect to your proposed motion, we will review whatever your client chooses to file, but again note that we consider such a filing to be untimely. At this point Complaint Counsel expects your client's appearance at a duly noted deposition, and we will prepare to go forward on Sept. 1 as previously agreed.

Sincerely,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>
Sent: Tuesday, August 30, 2022 11:13 AM
To: Howe, Beth <mhowe@ftc.gov>
Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>
Subject: Re: [External] Discussion; FTC Subpoenas to Triares, Inc.

Ms. Howe

Making statements in an email does not make them true. Much of what you wrote is a mischaracterization, and I feel very misled – lesson learned.

We will be filing the motion to quash and/or limit the deposition. If you would like to discuss conditions under which we would agree to proceed with the deposition, please let me know by 3pm today – since time is of the essence.

Also, much like the statements in the email, the certification that accompanied the subpoena was, in fact, provided to you. You acknowledged receipt of it in your email (screenshot attached and your email is in this chain). Despite that, you continue to allege that it was not provided. A copy of that certificate is attached again.

PUBLIC**Subject:** RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

I can confirm receipt and download of the following:

- 0048-0050.pdf
- 0051-0057.pdf
- 0058-0065.pdf
- 0066-0072.pdf
- 0073-0079.pdf
- 0080-0087.pdf
- 0088-0094.pdf
- 0095-0096.pdf
- 000097-026041.pdf
- 026042-053892.pdf
- KOR Certificate 8-26-2022.pdf
- Triares – FTC Final Draft – Supp Response to Subpoena 8-26-2022.pdf

Please advise whether anything is missing from that list that we should have received. We will review and revert as soon as possible.

Sincerely,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

Warmest regards,

Travis J. Jacobs, Esq.
THE JACOBS LAW LLC
[36 Bromfield Street, Suite 502](#)
[Boston, Massachusetts 02108](#)
[800.652.4783](#) (P) / [888.613.1919](#) (F)

TJacobs@TheJacobsLaw.com

www.TheJacobsLaw.com
www.WeKnowBusiness.legal

Twitter: @THEJACOBSLAW
Facebook: m.facebook.com/TheJacobsLaw

CONFIDENTIALITY NOTICE: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in

PUBLIC

transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS CIRCULAR 230 NOTICE: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllc.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. Any offer to settle or acceptance of an offer to settle is conditioned on a fully executed settlement agreement mutually agreed to by the interested parties.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Monday, August 29, 2022 8:02:27 PM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>

Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>;

Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>

Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

Your email below misstates our conferrals and Complaint Counsel's current position. Complaint Counsel cooperated with you to set your client's deposition for August 26, 2022, and Complaint Counsel's position that the deposition was necessary for the needs of the case never wavered. You conveyed to Complaint Counsel that you believed your client's document production in response to the Subpoena Duces Tecum would obviate the need for a deposition, which Complaint Counsel agreed to consider this as a possibility, expressly subject to review of your client's forthcoming production. After repeated delays, on August 18, 2022, Triares, Inc. produced two documents to Complaint Counsel along with extensive objections conveying the company's refusal to produce further materials. Following this response, Complaint Counsel informed you that the deposition would proceed on August 26. You then contacted Complaint Counsel to make arrangements for a supplemental production, again asking for Complaint Counsel to consider the forthcoming production in conjunction with a request to cancel your client's deposition. Complaint Counsel once again agreed to review your client's production for this purpose but explicitly did not agree that the proposed production would necessarily result in cancellation of the deposition. At your request, Complaint Counsel cooperated with you to reschedule the deposition for Sept. 1, 2022 specifically to allow your client the time to supplement its production and to keep the deposition on the calendar if your client's proposed production did not provide a reason to forego the deposition.

Complaint Counsel has now reviewed your supplemental production and the accompanying supplemental written responses and found, *inter alia*, that (i) documents and data produced to date do not speak for themselves, and do not obviate the need for your client's testimony regarding these materials; (ii) your client has not provided the certification included with the document subpoena (see Subpoena Duces Tecum, p. 5), which we had discussed would be required in order to consider cancelling the deposition; and (iii) the documents and data your client has provided are not in the form described during our conferrals, when you conveyed your client's request to postpone the deposition in favor of a supplemental production.

PUBLIC

To date, your client has not provided so much as an objection to the deposition subpoena setting forth any basis why your client should not appear. We will review any motion your client should file, though we note that we do not see how such a motion could be timely (see 16 C.F.R. §3.34(c)). We will otherwise be prepared to move forward with the deposition on Thursday, and will forward the necessary conference and court reporter information. It would be helpful, regardless of your planned motion practice, if your client could confirm whether it will stipulate to the court reporter administering the oath remotely should the deposition go forward.

Sincerely,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Sent: Monday, August 29, 2022 2:22 PM
To: Howe, Beth <mhowe@ftc.gov>
Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>
Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Beth,

I don't feel you've acted in good faith here. First the issue was that our client had not provided enough of what you asked for. Then we produce what you asked for on your representation that if we produced what you asked for, you would consider taking the deposition off. Now your position is that we've produced too much and the deposition must go forward?

We will move to quash.

Warmest Regards,

Travis J. Jacobs, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
TJacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE

PUBLIC

Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Monday, August 29, 2022 5:10 PM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>

Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>

Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

We have reviewed your client's supplemental document production. Based on what your client has produced and Triares' role in providing the leads underlying the HomeAdvisor representations at issue in our case, we have determined that the deposition will need to go forward on Sept. 1 as planned.

As discussed, please advise whether your client will stipulate to the court reporter administering the oath remotely.

Best,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>

Sent: Monday, August 29, 2022 8:47 AM

To: Howe, Beth <mhowe@ftc.gov>

Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

PUBLIC

Looks like you've downloaded them all.
Let me know.
Thanks.

Warmest Regards,

Travis J. Jacobs, Esq.



36 Bromfield Street, Suite 502
Boston, Massachusetts 02108
800.652.4783 (P) / 888.613.1919 (F)
TJacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Friday, August 26, 2022 7:03 PM

PUBLIC**To:** TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>**Cc:** MacDonald, Colin <cmacdonald@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>**Subject:** RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

I can confirm receipt and download of the following:

- 0048-0050.pdf
- 0051-0057.pdf
- 0058-0065.pdf
- 0066-0072.pdf
- 0073-0079.pdf
- 0080-0087.pdf
- 0088-0094.pdf
- 0095-0096.pdf
- 000097-026041.pdf
- 026042-053892.pdf
- KOR Certificate 8-26-2022.pdf
- Triares – FTC Final Draft – Supp Response to Subpoena 8-26-2022.pdf

Please advise whether anything is missing from that list that we should have received. We will review and revert as soon as possible regarding the deposition.

Sincerely,
Beth

M. Elizabeth Howe, Esq.

Federal Trade Commission | Northwest Region

206.220.4476

mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>**Sent:** Thursday, August 25, 2022 1:59 PM**To:** Howe, Beth <mhowe@ftc.gov>**Cc:** MacDonald, Colin <cmacdonald@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>**Subject:** RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Beth,

9/1/2022 at 12pm EST is fine – that is one of the dates / times we proposed.

Compiling the documents now.

Warmest Regards,

Travis J. Jacobs, Esq.

PUBLIC

36 Bromfield Street, Suite 502
 Boston, Massachusetts 02108
 800.652.4783 (P) / 888.613.1919 (F)
Tjacobs@TheJacobsLaw.com
www.TheJacobsLaw.com
www.WeKnowBusiness.legal

FOLLOW TJL ONLINE



Confidentiality Notice: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS Circular 230 Notice: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or other staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllc.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. The Jacobs Law LLC, and any attorney or staff at The Jacobs Law LLC, is NOT authorized to bind any client to any agreement. Any and all proposals or offers to settle and/or acceptance of a proposal or offer to settle by any client of The Jacobs Law LLC is strictly conditioned on a mutually agreeable written settlement agreement negotiated with the advice of legal counsel and signed and dated by all the interested parties. Do not send confidential documents including, but not limited to, medical records and social security or Tax ID numbers (or documents with social security or Tax ID numbers) to this email address. Our staff will provide a secure method for transferring such documents and information upon written request.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Wednesday, August 24, 2022 4:43 PM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllc.com>

Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>

Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

As we discussed, please confirm your client's available date(s) for deposition next week as soon as possible, as we will also need to confirm the proposed alternat date with HomeAdvisor's counsel. If we do not have confirmation of an

PUBLIC

alternate date on all sides by **COB tomorrow**, we will need to move forward with the deposition as previously scheduled on Friday. We look forward to the documents and information your client plans to produce.

Separately, as I mentioned, please advise whether your client will stipulate that the remote professional reporter may administer the oath at the deposition.

Best,
Beth

M. Elizabeth Howe, Esq.
Federal Trade Commission | Northwest Region
206.220.4476
mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobslaw.com>
Sent: Wednesday, August 24, 2022 4:51 AM
To: Howe, Beth <mhowe@ftc.gov>
Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>
Subject: Re: [External] Discussion; FTC Subpoenas to Triares, Inc.

Atty. Howe,

We appreciate the extensions and your cooperation and consideration of our concerns.

We also understand your position, and we also reserve our right to move to quash or otherwise limit the non-party deposition and/or documents subpoena if we are unable to come to a mutually agreeable arrangement. We have made significant progress to date and I am confident we will be able to compromise on the outstanding concerns.

I am available at or after 4pm EST which seems to be 1pm PST. Can you do any time after 1pm PST?

Warmest regards,

Travis J. Jacobs, Esq.
THE JACOBS LAW LLC
[36 Bromfield Street, Suite 502](#)
[Boston, Massachusetts 02108](#)
[800.652.4783](tel:800.652.4783) (P) / [888.613.1919](tel:888.613.1919) (F)

TJacobs@TheJacobsLaw.com

www.TheJacobsLaw.com
www.WeKnowBusiness.legal

Twitter: @THEJACOBSLAW
Facebook: m.facebook.com/TheJacobsLaw

CONFIDENTIALITY NOTICE: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

PUBLIC

IRS CIRCULAR 230 NOTICE: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobsllaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. Any offer to settle or acceptance of an offer to settle is conditioned on a fully executed settlement agreement mutually agreed to by the interested parties.

From: Howe, Beth <mhowe@ftc.gov>

Sent: Wednesday, August 24, 2022 1:47:50 AM

To: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>

Cc: MacDonald, Colin <cmacdonald@ftc.gov>; Roos, Breena <broos@ftc.gov>; Barach, Kate <kbarach@ftc.gov>; Halpern-Meekin, Ben <bhalpernmeekin@ftc.gov>; Calderon, Sophie <scalderon@ftc.gov>

Subject: RE: [External] Discussion; FTC Subpoenas to Triares, Inc.

Dear Travis,

I can speak at 8:30am Pacific with a hard stop at 9:00, or 10:30 Pacific, again with a hard stop at 11:00. Let me know what time works and I will send a zoom.

As we discussed, an additional production does not guarantee that Complaint Counsel will consent to forego your client's deposition; we will have to review what your client ultimately produces to make that determination. Also, as I have noted previously, we will not take Triares' deposition fully off the calendar until we have reviewed such a production so as to lose our opportunity to take the deposition.

Given that our Scheduling Order requires us to produce any additional production from Triares to HomeAdvisor at least three Business Days prior to the deposition, and this would no longer be possible for Friday's scheduled deposition, your client is effectively asking to postpone the deposition. As I told you yesterday, you will need to confirm your client's deposition availability **for a date next week** in order for us to consider pushing Friday's deposition to accommodate the proposed production. Please advise on that date as soon as possible, as we will need to confirm the date with HomeAdvisor before we push the current date.

Best,
Beth

M. Elizabeth Howe, Esq.

Federal Trade Commission | Northwest Region

206.220.4476

mhowe@ftc.gov

From: TRAVIS J. JACOBS, ESQ. <tjacobs@thejacobsllaw.com>

Sent: Tuesday, August 23, 2022 7:07 PM

To: Howe, Beth <mhowe@ftc.gov>

Subject: Re: Discussion; FTC Subpoenas to Triares, Inc.

PUBLIC

Beth

I spoke with my client and I would like to discuss the conditions under which we can send you data from 9/2020 that includes all the questions asked on all sites for all services during that time related to leads generated for HomeAdvisor.

When is the earliest you're available to discuss tomorrow 8/24?

Warmest regards,

Travis J. Jacobs, Esq.
THE JACOBS LAW LLC
[36 Bromfield Street, Suite 502](#)
[Boston, Massachusetts 02108](#)
[800.652.4783](#) (P) / [888.613.1919](#) (F)

TJacobs@TheJacobsLaw.com

www.TheJacobsLaw.com
www.WeKnowBusiness.legal

Twitter: @THEJACOBSLAW
Facebook: [m.facebook.com/TheJacobsLaw](https://www.facebook.com/TheJacobsLaw)

CONFIDENTIALITY NOTICE: This e-mail message and any documents accompanying this e-mail transmission contain information from The Jacobs Law LLC which is privileged and confidential attorney-client communication and/or work product of counsel. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution and/or the taking of or refraining from taking of any action in reliance on the contents of this e-mail information is strictly prohibited and may result in legal action being instituted against you. Please reply to the sender advising of the error in transmission and delete the message and any accompanying documents from your system immediately. Thank you.

IRS CIRCULAR 230 NOTICE: To ensure compliance with certain regulations promulgated by the U.S. Internal Revenue Service, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein, unless expressly stated otherwise.

DISCLAIMERS: The Jacobs Law LLC nor any of its attorneys or staff provide tax or tax law advice. Please be advised that no attorney or staff of The Jacobs Law LLC is authorized or qualified to render tax or tax law advice. In the event you receive any tax or tax law advice from an attorney or staff of The Jacobs Law LLC you must immediately notify the Managing Partner at notify@thejacobslaw.com, immediately disregard any such tax or tax law advice, and take no action in reliance on any such tax or tax law advice. The substance of this email shall not constitute a binding offer or acceptance of settlement. Any offer to settle or acceptance of an offer to settle is conditioned on a fully executed settlement agreement mutually agreed to by the interested parties.

From: TRAVIS J. JACOBS, ESQ.
Sent: Monday, August 22, 2022 12:10:55 PM
To: Howe, Beth <mhowe@ftc.gov>
Subject: Accepted: Discussion; FTC Subpoenas to Triares, Inc.
When: Monday, August 22, 2022 4:00 PM-4:30 PM.
Where: <https://ftc.zoomgov.com/j/1610349940?pwd=NkwzSEdGppbC9QdHI5bTV3TS9SQTO9>

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

PUBLIC

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.