UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of	)	
THYSSENKRUPP ACCESS CORP.	)	CPSC DOCKET NO.: 21-1
Respondent.	)	

MEMORANDUM IN SUPPORT OF
COMPLAINT COUNSEL'S PROPOSED AMENDED COMPLAINT

Pursuant to 16 C.F.R. §§ 1025.13 and 1025.23, Complaint Counsel respectfully submits this Memorandum in Support of its proposed Amended Complaint and requests that the Commission authorize the Amended Complaint to update the name of Respondent thyssenkrupp Access Corp. ("TKA" or "Respondent"), now known as TK Access Solutions Corp. ("TKAS"), and to add TK Elevator Corp. ("TKE") as a respondent.

As discussed more fully below, the Amended Complaint is appropriate for the following reasons: (1) Respondent TKA changed its name effective February 2021 to TKAS and TKA does not contest that its name should be changed in this proceeding; and, (2) TKAS is a corporate shell with limited assets and no business operations, which is controlled and financed by TKE through the actions of a shared director who asserts common control over both entities, and affiliated personnel who act on behalf of both entities. Thus, TKE should be named to ensure any corrective action ordered in this matter is funded and effectual.

I. INTRODUCTION

On July 7, 2021, Complaint Counsel filed an Administrative Complaint ("Complaint")

against Respondent thyssenkrupp Access Corp., alleging that residential elevators ("Elevators") manufactured and distributed by Respondent contain defects that create a Substantial Product Hazard under section 15(a)(2) of the Consumer Product Safety Act ("CPSA"). More specifically, the Complaint alleges that the Elevators are defective because they contain defects in the "contents, construction, finish, packaging, warnings, and/or instructions," specifically through Respondent's engineering drawings and instructional materials, including installation, design, and planning guides ("Installation Materials"), and the Elevators contain design defects. Compl. ¶¶ 40-65. The alleged defects create additional space between the hoistway door and the elevator car door, in which a child can become entrapped and cause serious injury or death if the elevator is called to another floor. *Id.* ¶ 62. Complaint Counsel has requested relief to be ordered by this Court, including, but not limited to, an Order that Respondent recall and repair defective Elevators by providing free inspections and installations of space guards to mitigate the space between the hoistway door and elevator car door so that a child will not be able to become entrapped. *Id.* Compl. at 15-17.

Under this Court's October 26, 2021 Scheduling Order, a hearing in this matter is scheduled to commence September 12, 2022. None of the deadlines in the Court's Scheduling Order have elapsed, and discovery does not close until April 29, 2022. The parties are in the midst of conducting discovery, having both served and provided responses to written discovery requests. Amendments to pleadings pursuant to the Rules of Practice for Adjudicative Proceedings are permitted when they "do not unduly broaden the issues in the proceedings or cause undue delay." 16 C.F.R. § 1025.13. As further detailed herein, amending the Complaint in this matter will neither unduly broaden the issues nor cause undue delay, and leave to file amended pleadings should be liberally granted, consistent with practice under the Federal Rules.

See Fed.R.Civ.P. 15(a)(2) (directing courts to "freely give leave when justice so requires" for amendments to pleadings).

During the course of discovery, Complaint Counsel has become aware of facts necessitating amending the Complaint to add both TKAS (the new name of TKA) and TKE. [redacted] Among other things, Respondent has failed to adequately respond to Interrogatory Nos. 25 and 26 and Requests for Production Nos. 7-9 relating to TKAS's corporate organization, parents, and subsidiaries, communications between these entities and evidence of control and funding transfers. Complaint Counsel has met and conferred with Respondent concerning these discovery failures on multiple occasions, but Respondent has refused to provide any of the requested information.[1] Despite these repeated failures to respond, a sufficient factual predicate exists to demonstrate that TKE is a related corporate entity—and the real party in interest—that must also be included as a party to ensure relief is fully effectuated.

II. THE FACTS SUPPORTING AMENDMENT OF THE COMPLAINT

A. Respondent TKA Is Now TKAS

Respondent TKA was a Delaware corporation with its principal place of business in Clinton, Missouri.[2] In November 2020, TKA changed its name to TK Access Solutions Corp.[3]

[1] Complaint Counsel met and conferred via videoconference on January 7, 2022 and corresponded with Respondent's counsel on January 11, 2022, noting that we were at an impasse concerning discovery of Respondent's corporate relationships and its $2.6 million in funding. Respondent provided a written response on January 14, 2022, but again failed to produce the requested discovery.
[2] Thyssenkrupp Access Corp. 2020 Annual Registration Report (Exhibit 1).
[3] State of Delaware Certificate of Amendment of Certificate of Incorporation, November 16, 2020, filed on February 19, 2021 (Exhibit 2).

This Certificate of Amendment, filed in February 2021, was authorized and signed by Mauro Carneiro, as President, Treasurer, and Secretary of TKA. Counsel for Respondent has represented to Complaint Counsel that it has no objection to amending the Complaint to reflect this name change. Email from Mike Gentine to Gregory Reyes, July 27, 2021 3:47 p.m. re: "TK Access Solutions Corp."

B. TKAS is a Corporate Shell Controlled by TKE and TKAS is Controlled by a TKE CEO and Other TKE Officers

TKAS has no business operations and is a corporate shell of TKE, which is "one of the world's leading elevator companies" with more than 50,000 employees and sales of eight billion Euros in 2019-20. TKE's products include commercial elevators, escalators, and moving walkways, airport boarding bridges and stair and platform lifts, as well as a service business maintaining those products.[4] TKE is a Delaware corporation with its principal place of business in Alpharetta, Georgia.[5]

[redacted]

[4] TK Elevator website excerpt (Exhibit 3).
[5] Georgia Secretary of State Corporate Filing, TK Elevator Corporation (Exhibit 4).
[redacted]

[redacted]

That TKAS is a corporate shell is also demonstrated by the common control executed by several individuals that are associated with both TKAS and TKE. [redacted]

In addition to his role with TKAS, Mr. Carneiro is also the CEO of the TKE business unit Home.[13] While there is ample evidence of TKE's control of TKAS, as shown by Mauro Carneiro's dual role in both companies, Mr. Carneiro has consistently obscured his role in TKE in this matter. [redacted] However, Mr. Carneiro's LinkedIn

[redacted]

[13] *See* https://www.tkelevator.com/global-en/company/management/ (Exhibit 7).

[redacted]

profile lists him as "Chief Executive Officer Home Solutions at TK Elevator" but does not similarly disclose his role with TKA or as sole director and President of TKAS.[15]

In addition to Mr. Carneiro, there are other individuals that demonstrate TKE's control over the TKAS corporate shell. [redacted] (now rebranded as TKE)[17] [redacted]

[15] *See* https://www.linkedin.com/in/mauro-carneiro-521b305/ (Exhibit 8).

[redacted]

[17] Thyssenkrupp Elevator Corp. rebranded to TKE. February 25, 2021 TKE Press Release *"New Company Name, New Brand: Thyssenkrupp Elevator Now Called TK Elevator with New Global Brand TKE,"* https://www.tkelevator.com/global-en/newsroom/press-releases/new-company-name-new-brand-thyssenkrupp-elevator-now-called-tk-elevator-with-new-global-brand-tke-118848 html (Exhibit 13).

[redacted]

[redacted] These facts highlight the level of control that TKE is exerting over its shell corporation TKAS.

III. LEGAL STANDARD GOVERNING A MOTION TO AMEND PURSUANT TO 16 C.F.R. § 1025.13

Amendments to pleadings pursuant to the Rules of Practice for Adjudicative Proceedings may be permitted when they "do not unduly broaden the issues in the proceedings or cause undue delay." 16 C.F.R. § 1025.13. This standard of permitting liberal amendments to a complaint is consistent with practice under the Federal Rules, where courts are directed to "freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2); *see also NEDC v. H & H Welding*, No. 3:13-CV-653-AC, 2013 WL 4782159, at *1-2 (D. Or. Sep. 5, 2013) (granting plaintiff's motion to amend to add a corporation as defendant in action alleging Clean Water Act violations and recognizing that "a liberal standard is applied to motions for leave to amend").

IV. TKAS DOES NOT CONTEST THAT TKA SHOULD BE CHANGED TO TKAS

Respondent has advised Complaint Counsel that it has no objection to amending the Complaint to account for this name change. As such, Complaint Counsel's request to amend the complaint to add TK Access Solutions ("TKAS") should be granted.

[redacted]

V. TKE IS THE REAL PARTY IN INTEREST, THE LAW SUPPORTS PIERCING THE CORPORATE VEIL TO HOLD TKE RESPONSIBLE, AND THE COMPLAINT SHOULD BE AMENDED TO NAME TKE AS A RESPONDENT

The Supreme Court has recognized that a court can pierce the corporate veil and determine that an affiliated corporation can be responsible for the conduct of a shareholder, subsidiary or related corporation. *United States v. Bestfoods*, 524 U.S. 51, 62-64 (1998) (finding parent corporation can be held liable for derivative Comprehensive Environmental Response, Compensation and Liability Act liability for its subsidiary's actions in a case involving costs of cleaning up environmental waste). The Court recognized that "there is an equally fundamental principle of corporate law, applicable to the parent-subsidiary relationship *as well as generally*, that the corporate veil may be pierced and the shareholder held liable for the corporation's conduct when . . . the corporate form would otherwise be misused to accomplish certain wrongful purposes, most notably fraud, on the shareholder's behalf." *Id.* at 62 (emphasis added) (*citing Chicago, M. & St. P.R. Co. v. Minneapolis Civic and Commerce Assn.,* 247 U.S. 490, 501 (1918) (principles of corporate separateness "have been plainly and repeatedly held not applicable where stock ownership has been resorted to, not for the purpose of participating in the affairs of a corporation in the normal and usual manner, but for the purpose . . . of *controlling* a subsidiary company so that it may be used *as a mere agency or instrumentality of the owning company*") (emphasis added)).

Piercing the corporate veil has not been limited to parent-subsidiary relationships. *Bestfoods*, 524 U.S. 51, 62 (stating piercing the corporate veil "is applicable to the parent-subsidiary relationship *as well as generally*) (emphasis added); *Labadie Coal Co. v. Black*, 672 F.2d 92, 96 (D.C. Cir. 1982) ("Thus, when particular circumstances merit—e.g., when the incentive value of limited liability is outweighed by the competing value of basic fairness to

parties dealing with the corporation—courts may look past a corporation's formal existence to hold shareholders *or other controlling individuals* liable for 'corporate' obligations.") (emphasis added).

In determining whether to pierce the corporate veil to reach a related corporation or individual, courts ask: "(1) is there such unity of interest and ownership that the separate personalities of the corporation and the individual no longer exist?; and (2) if the acts are treated as those of the corporation alone, will an inequitable result follow?" *Labadie Coal Co. v. Black*, 672 F.2d 92, 96 (D.C. Cir. 1982) (reversing decision not to pierce the corporate veil); *see also Pearson v. Component Tech. Corp.*, 247 F.3d 471, 484 (3rd Cir. 2001) (noting that in cases involving a parent and subsidiary, "in order to succeed on an alter ego theory of liability, plaintiffs must essentially demonstrate that in all aspects of the business, the two corporations actually functioned as a single entity and should be treated as such"). In examining this issue, courts consider various factors, including "gross undercapitalization, failure to observe corporate formalities, . . . and whether the corporation is merely a facade for the operations of the dominant stockholder." *Id.* at 484-85.

These concepts have been applied in prior CPSC administrative litigations to ensure remedial action can be effectuated. *See In the matter of Relco, Inc., et al.*, CPSC Docket No. 74-4 at 5–6 (1976) (holding that a Notice of Enforcement could be amended to include the Estate of an individual Respondent against whom a decision had already been rendered, but who had subsequently died—the Presiding Officer noted that Congress gave the CPSC "an unusually wide degree of latitude" to exercise its discretion with respect to persons who are obliged to pay for a refund that has been ordered and noting that the legislative history for the [CPSA] specifically contemplated that the Commission would "have the authority to place the obligation

(refund) on the person most able to bear the cost where equitable and other considerations appear to warrant such action in the public interest").

Here, TKAS is a mere agency or instrumentality of TKE demonstrating "such unity of interest and ownership that the separate personalities of the corporation and the individual no longer exist." *Labadie Coal Co.*, 672 F.2d at 96. Although the exact nature of the relationship between TKAS and TKE is unknown because Respondent has refused to provide discovery responses to Complaint Counsel,[21] [redacted]

Further, failing to add TKE would create "an inequitable result" because it would potentially enable Respondent to avoid responsibility to fund any remedial action directed to the substantial product hazard posed by the Elevators at issue. *See Labadie Coal Co.*, 672 F.2d at 96. [redacted]

[21] As described above, according to the Supreme Court in *Best Foods* and the United States Court of Appeals for the D.C. Circuit in *Labadie Coal*, piercing the corporate veil is not strictly limited to parent-subsidiary relationships and can apply to other related entities. [redacted]

[redacted] Indeed, adding TKE is necessary to avoid inequity because TKAS could cease operating, frustrating the public interest in promoting consumer product safety.

The crux of this litigation is to determine whether the Elevators present a Substantial Product Hazard under the CPSA. Adding TKE does not impact the determination of that singular issue; thus, the issues in the case are not broadened by this amendment. Nor would adding TKE cause undue delay, as Mr. Carneiro and/or a corporate representative of TKE would be witnesses for depositions and at trial, regardless of whether TKE is added as a Respondent. Finally, as noted above, none of the deadlines in the Court's Scheduling Order have elapsed, and the hearing is set for September 2022. Rather, adding TKE will preserve judicial resources and ensure that an appropriate and responsible corporate entity is held liable if a Substantial Product Hazard is found and that any and all appropriate relief can be granted.

VI. CONCLUSION

For the foregoing reasons, Complaint Counsel requests that Commission authorize the Amended Complaint, based on the following: (1) the Complaint should be amended to add the

[redacted]

current legal name of the Respondent to TKAS (which is uncontested by TKA), and (2) TKE be added as a Respondent because TKE effectively asserts common control over TKAS, a corporate shell of TKE. This will ensure any remedial action ordered in this matter is funded and effectual. A proposed Order is attached.

Dated this 14th day of February, 2022

Respectfully submitted,

Gregory M. Reyes, Supervisory Attorney
Michael J. Rogal, Trial Attorney
Frederick C. Millett, Trial Attorney
Joseph E. Kessler, Trial Attorney
Nicholas J. Linn, Trial Attorney

Division of Enforcement and Litigation
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
Bethesda, MD 20814
Tel: (301) 504-7809

Complaint Counsel for
U.S. Consumer Product Safety Commission

EXHIBIT 1

F00473772
Date Filed: 10/01/2020
John R. Ashcroft
Missouri Secretary of State

State of Missouri
John R. Ashcroft Secretary of State

Corporations Division
PO Box 778 / 600 W.Main St., Rm. 322
Jefferson City, MO 65102

2020 Annual Registration Report

Charter Number	F00473772	**Renewal Month**	October
Entity Name	THYSSENKRUPP ACCESS CORP.	**Report Due By**	01/31/2021

Registered Agent
CSC-LAWYERS INCORPORATING SERVICE COMPANY

221 Bolivar St, Jefferson City, Missouri, 65101, United States

Principal Place of Business or Corporate Headquarters

thyssenkrupp Access Corp., P.O. Box 545, Clinton, Missouri, 64735, United States

OFFICERS

Name	Mauro Caneiro
Title	Secretary, President, Treasurer, Director
Address	Box 545, Clinton, Missouri, 64735, United States

BOARD OF DIRECTORS

Name	Mauro Caneiro
Title	Secretary, President, Treasurer, Director
Address	Box 545, Clinton, Missouri, 64735, United States

In Affirmation thereof, the facts stated above are true and correct:

The undersigned believes the statements presented in this filing are true and correct to the best of their knowledge and belief, they are subject to the penalties provided under section 575.040 RSMo. for making a false declaration under Section 575.060 RSMo

The undersigned agrees and represents that he/she is authorized to execute this document

Name	Mauro Caneiro
Title	President
Date	10/01/2020

Reference Number SR138209

Receipt Number TR390018

WHEN THIS FORM IS ACCEPTED BY THE SECRETARY OF STATE, BY LAW IT WILL BECOME A PUBLIC DOCUMENT AND ALL INFORMATION PROVIDED IS SUBJECT TO PUBLIC DISCLOSURE

EXHIBIT 2

Delaware

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "THYSSENKRUPP ACCESS CORP.", CHANGING ITS NAME FROM "THYSSENKRUPP ACCESS CORP." TO "TK ACCESS SOLUTIONS CORP.", FILED IN THIS OFFICE ON THE NINETEENTH DAY OF FEBRUARY, A.D. 2021, AT 3:35 O`CLOCK P.M.

3086935 8100
SR# 20210537951

Authentication: 202577425
Date: 02-23-21

You may verify this certificate online at corp.delaware.gov/authver.shtml

State of Delaware
Secretary of State
Division of Corporations
Delivered 03:35 PM 02/19/2021
FILED 03:35 PM 02/19/2021
SR 20210537951 - File Number 3086935

STATE OF DELAWARE
CERTIFICATE OF AMENDMENT
OF CERTIFICATE OF INCORPORATION

THYSSENKRUPP ACCESS CORP.

a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware.

DOES HEREBY CERTIFY:

FIRST: That by Unanimous Consent of the Board of Directors of thyssenkrupp Access Corp. resolutions were duly adopted setting forth the following proposed Amendment of the Certificate of Incorporation of said corporation, declaring said Amendment to be advisable and directing that the Amendment be submitted to the sole shareholder for consideration thereof. The resolution setting forth the proposed amendment is as follows:

RESOLVED: That the Certificate of Incorporation of this corporation be amended by changing the Article therefor numbered "1" so that, as amended, said Article shall read as follows:

"The name of the corporation is TK Access Solutions Corp."

SECOND: That thereafter, pursuant to resolution of its Board of Directors, the holder of all of the outstanding stock of said corporation having a right to vote consented in writing to the aforesaid Amendment in accordance with Section 228 of the General Corporation law of the State of Delaware.

THIRD: That said Amendment was duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.

FOURTH: That the capital of said corporation shall not be reduced under or by reason of said amendment.

IN WITNESS WHEREOF, said Corporation, thyssenkrupp Access Corp., has caused this Certificate to be signed by Mauro Carneiro, an Authorized Officer, this 16th day of November, 2020.

By: _____
Authorized Officer

Name: Mauro Carneiro

Title: President, Treasurer and Secretary

EXHIBIT 3

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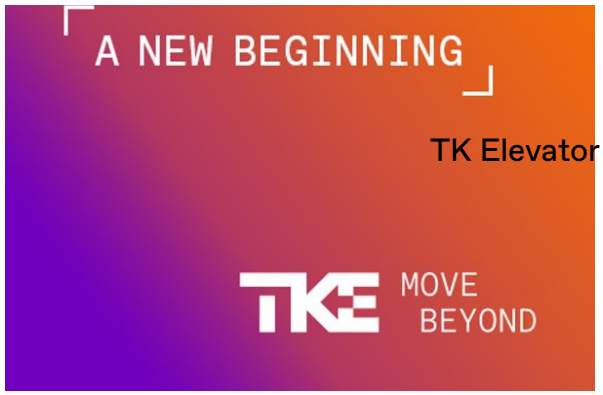
We’re now TK Elevator

Effective immediately, we are changing

our name from thyssenkrupp Elevator to TK Elevator.



Here are important details regarding our organization's name change to TK Elevator:

- All Company physical addresses, mailing addresses and telephone numbers will remain unchanged.
- Our Tax Identification Number will remain unchanged.
- Customers, suppliers and vendors should update our Company name to TK Elevator on all correspondence such as invoices, checks and purchase orders effective immediately.
- Beginning March 19, 2021, our U.S. company's website will be https://www.tkelevator.com/us (https://www.tkelevator.com/us) and our Canadian company's website will be https://www.tkelevator.com/ca (https://www.tkelevator.com/ca). Please update your website bookmarks to these new addresses.
- All employee email addresses will officially end in "@tkelevator.com" effective immediately. To contact an organization employee, that employee's email address will be **FirstName.LastName@tkelevator.com**. Please update your contacts to these new "@tkelevator.com" email addresses.
- Effective immediately, our organization's social media addresses have changed. Visit them here: Facebook (https://www.facebook.com/TKE.North.America), Instagram (https://www.instagram.com/tke.north.america/), LinkedIn (https://www.linkedin.com/company/tke-global), Twitter (https://twitter.com/TKE_NA).
- Our core business functions and your contacts within our organization will remain the same. If you have questions regarding the organization's name change, please contact your account representative or our Customer Care line at

1-844-427-5461.

To view our press release on our organization's name change, click here (/media/usa_canada/press_releases_us_ca/20210225-tke-elevatorbrandlaunch.pdf).

TK Elevator

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TK Elevator

Your global urban mobility leader

In 40 short years, we've become one of the world's leading elevator companies with unique engineering capabilities.

When done well, urban mobility drives down congestion, pollution, stress and energy consumption. Our innovative, efficient and reliable passenger transportation systems are key to getting it right in cities. Whether building a new state-of-the-art system or modernizing an existing one, our products deliver crucial energy and time efficiencies.

New Atlanta Headquarters

We want to move people safely, comfortably and efficiently – today and in the future. So we are building a new high-rise test tower and Innovation Complex in Atlanta. The new complex will include three facilities anchored by a state-of-the-art, 420-foot tall elevator qualification and test tower, the tallest of its kind in the U.S. and one of the tallest in the world.

Learn about our new headquarters ➜

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Engineering that keeps the world moving.

We are moved by what moves people. By what moves the world. In ever-growing cities. We provide better access. And new ways to travel longer distances. With clear solutions for increasingly complex infrastructures. We define service by always putting our knowledge to our customers' advantage. We are always dedicated to doing better. Day by day. This is who we are. This is TK Elevator.
Engineering that keeps the world moving.

TK Elevator

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TK Elevator worldwide

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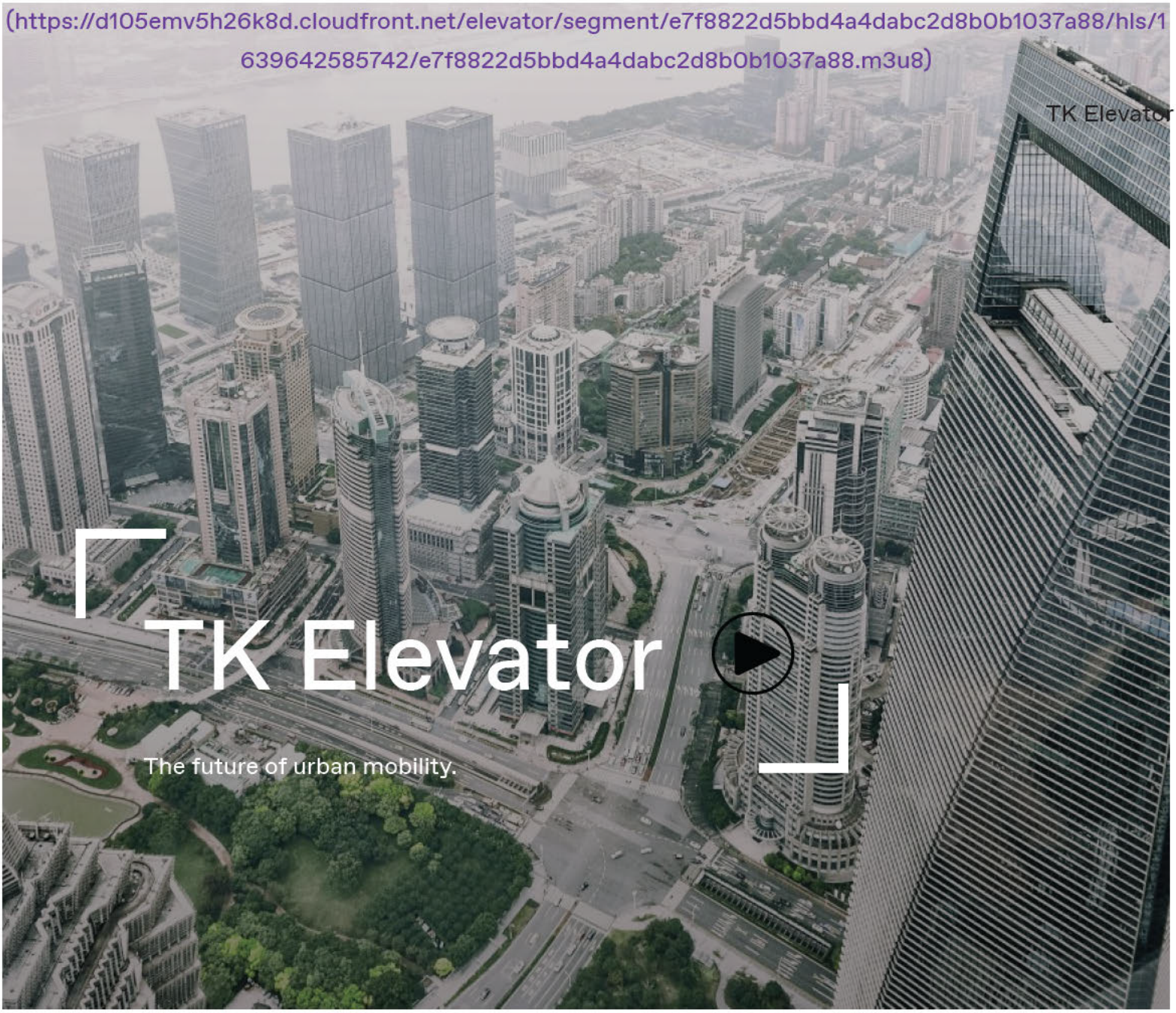
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TK Elevator
TK Elevator
The future of urban mobility.

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Innovations

TK Elevator

TWIN

2 cabins, 1 shaft, 0 crowds.

(https://www.tkelevator.com/global-en/local-websites/)

MAX

Maximising availability and strengthening customer relationships.

(https://max.tkelevator.com/global-en/)

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Our Products

TK Elevator

Elevators

Next-generation mobility today.

(/us-en/products/elevators/overview/)

Escalators

Always one step ahead.

(/us-en/products/escalators/)

Moving Walks

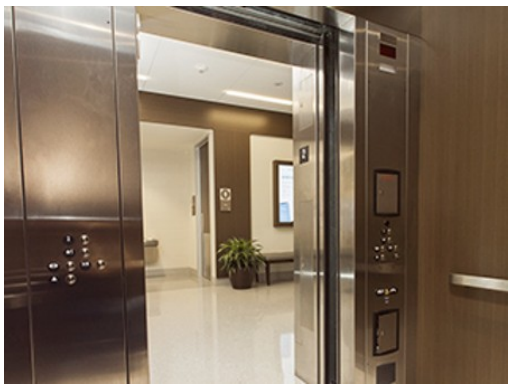
Reach your destinations quickly and comfortably.

(/us-en/products/moving-walks/overview/)

Service

Value-adding, manufacturer-independent services.

(/us-en/service/overview/)



Modernization

Extend the life of your elevator and escalator.

(/us-en/modernization/overview/)

Airport Solutions

Unmatched comfort and safety.

(https://www.thyssenkrupp-elevator.com/airport-solutions/)

EXHIBIT 4

GEORGIA CORPORATIONS DIVISION

GEORGIA SECRETARY OF STATE
BRAD RAFFENSPERGER

HOME (/)

BUSINESS SEARCH

BUSINESS INFORMATION

Business Name:	**TK Elevator Corporation**	Control Number:	**J550537**
Business Type:	**Foreign Profit Corporation**	Business Status:	**Active/Owes Current Year AR**
Business Purpose:	**NONE**		
Principal Office Address:	**11605 Haynes Bridge Rd, Suite 650, Alpharetta, GA, 30009, USA**	Date of Formation / Registration Date:	**3/20/1985**
Jurisdiction:	**Delaware**	Last Annual Registration Year:	**2021**

REGISTERED AGENT INFORMATION

Registered Agent Name: **Corporation Service Company**

Physical Address: **2 SUN COURT, SUITE 400, PEACHTREE CORNERS, GA, 30092, USA**

County: **Gwinnett**

OFFICER INFORMATION

Name	Title	Business Address
Kevin Lavallee (President)	CEO	11605 Haynes Bridge Road, Suite 650, Alpharetta, GA, 30009, USA
Scott J. Silitsky	Secretary	11605 Haynes Bridge Road, Suite 650, Alpharetta, GA, 30009, USA
Steven Wedge	CFO	11605 Haynes Bridge Road, Suite 650, Alpharetta, GA, 30009, USA

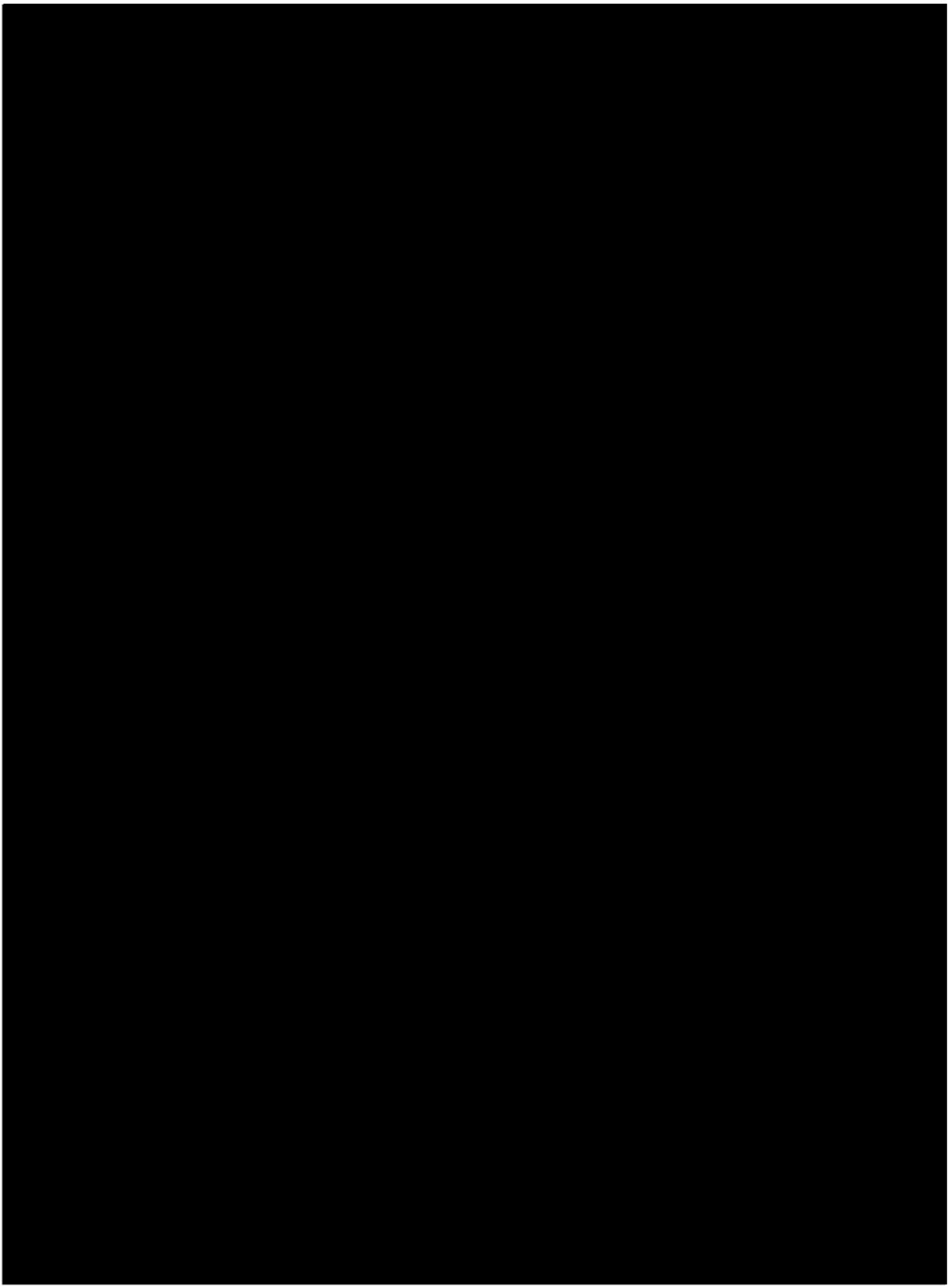
Back

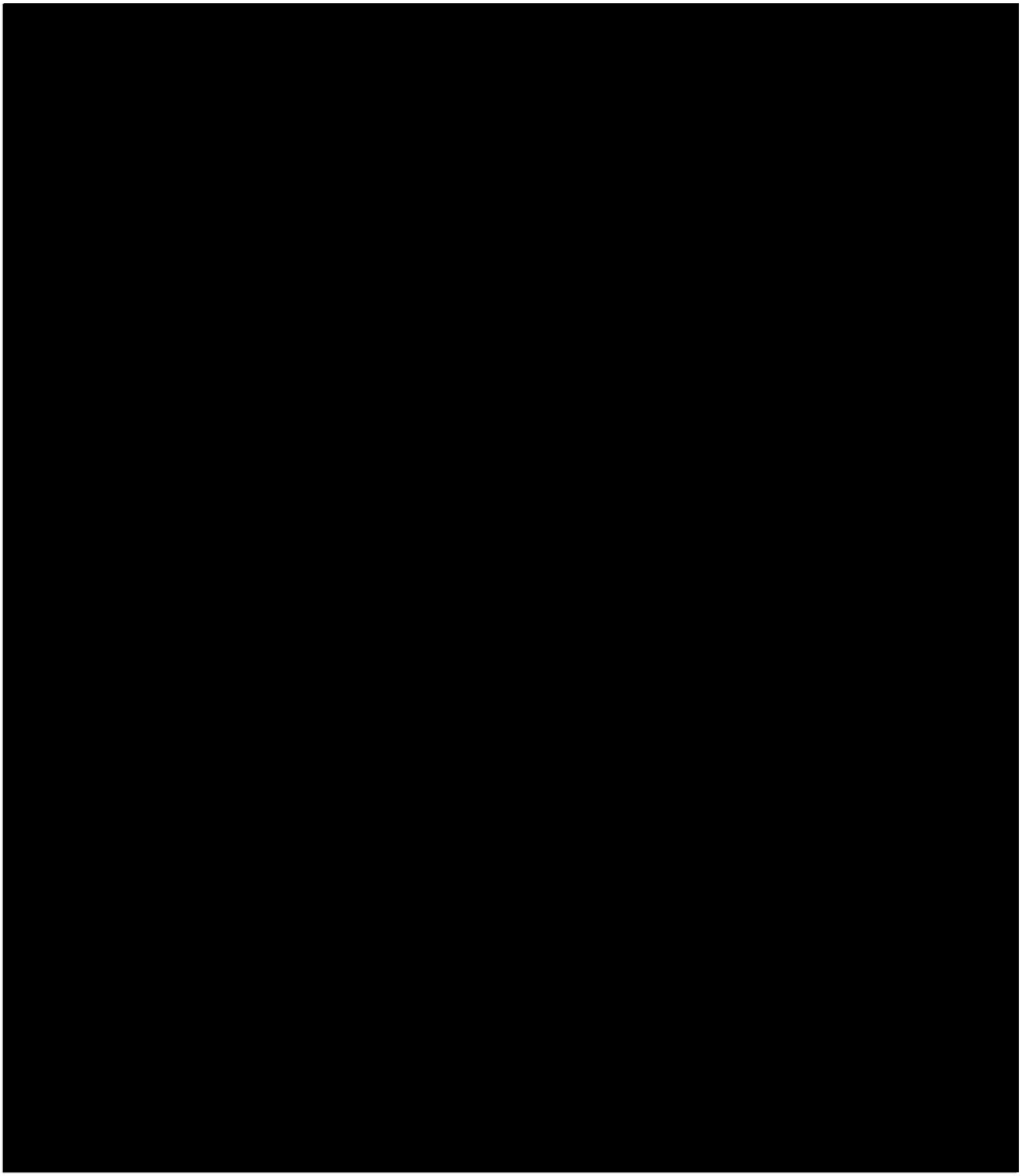
Filing History Name History

Return to Business Search

Report a Problem?

EXHIBIT 5





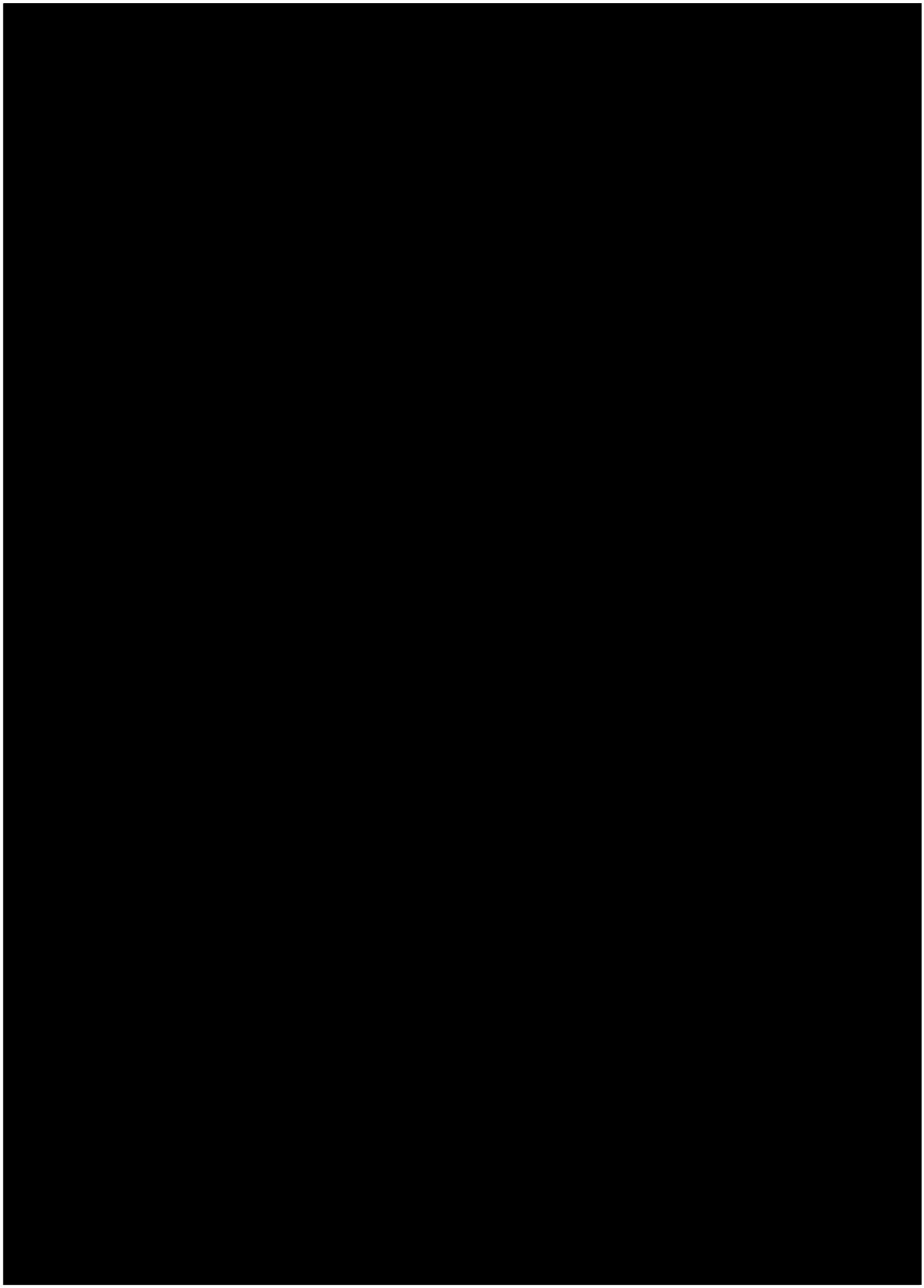
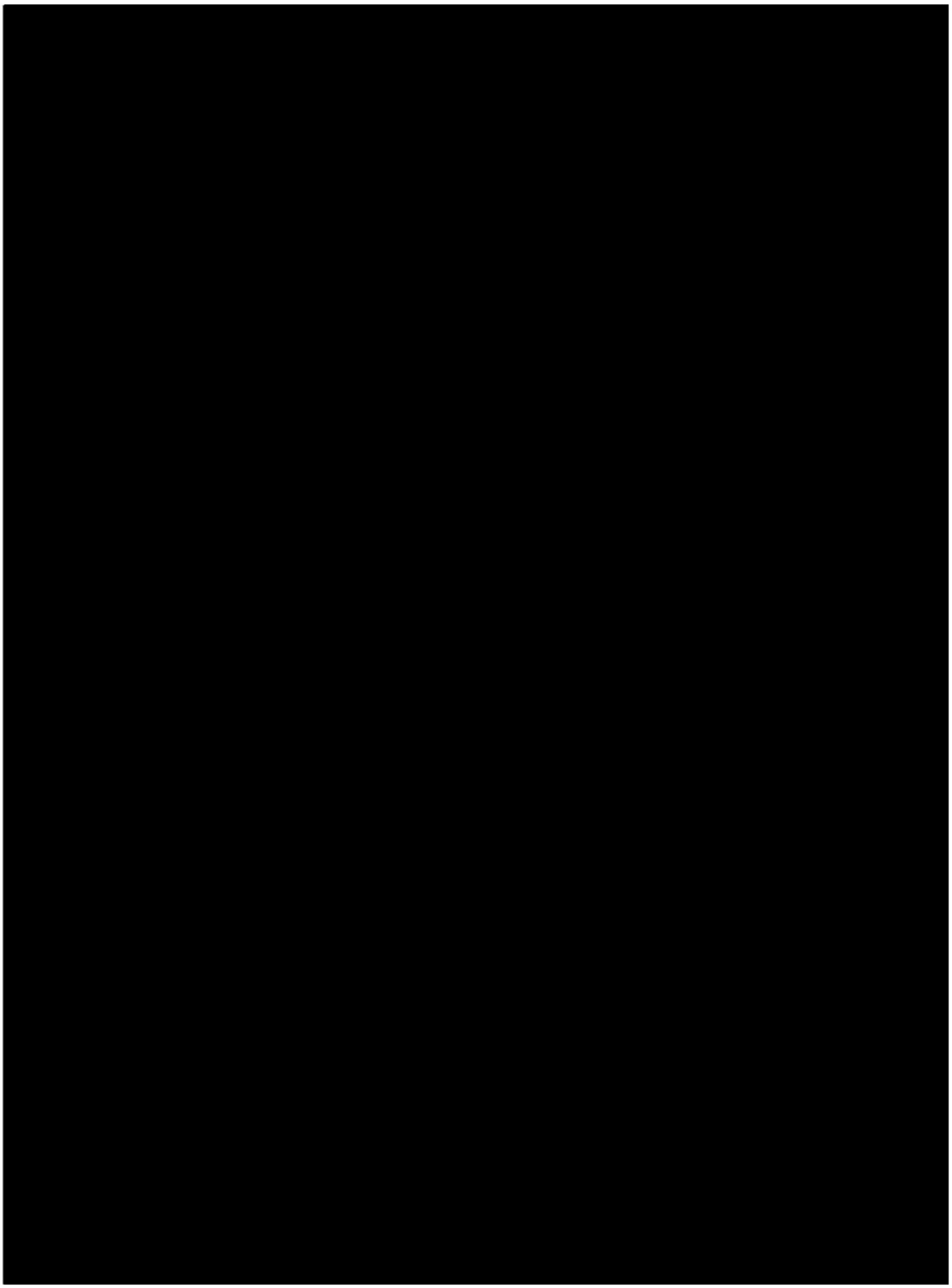
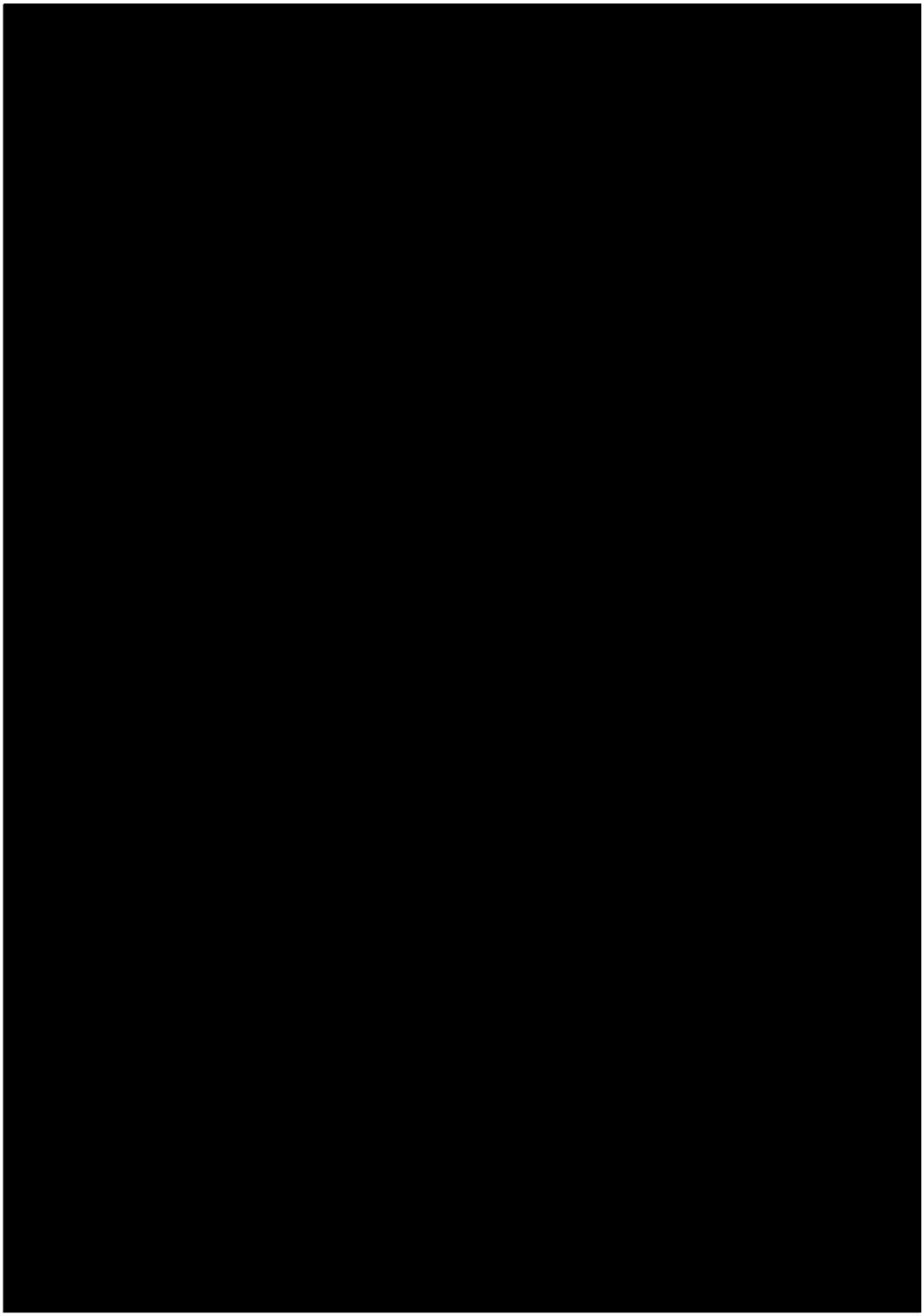
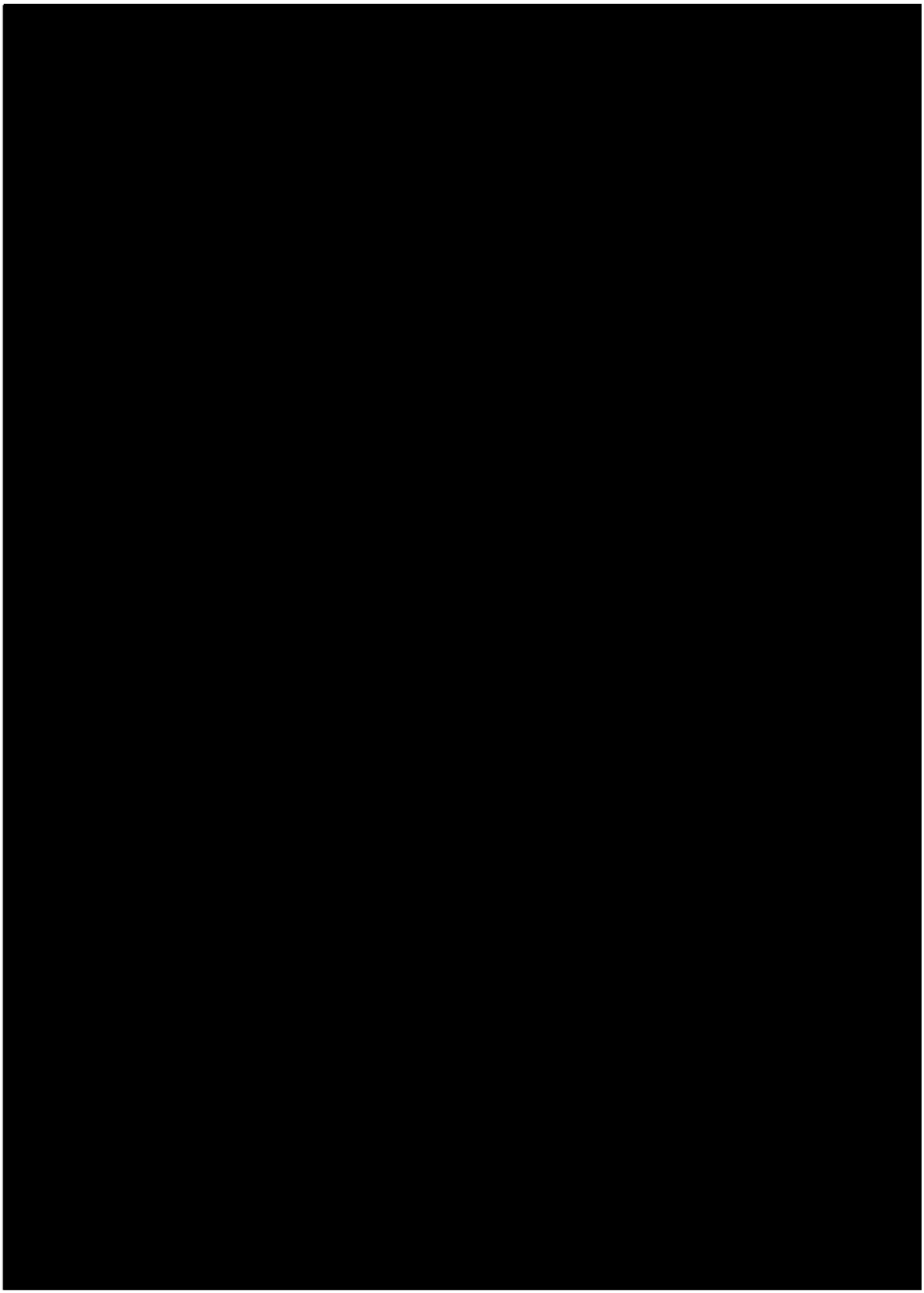
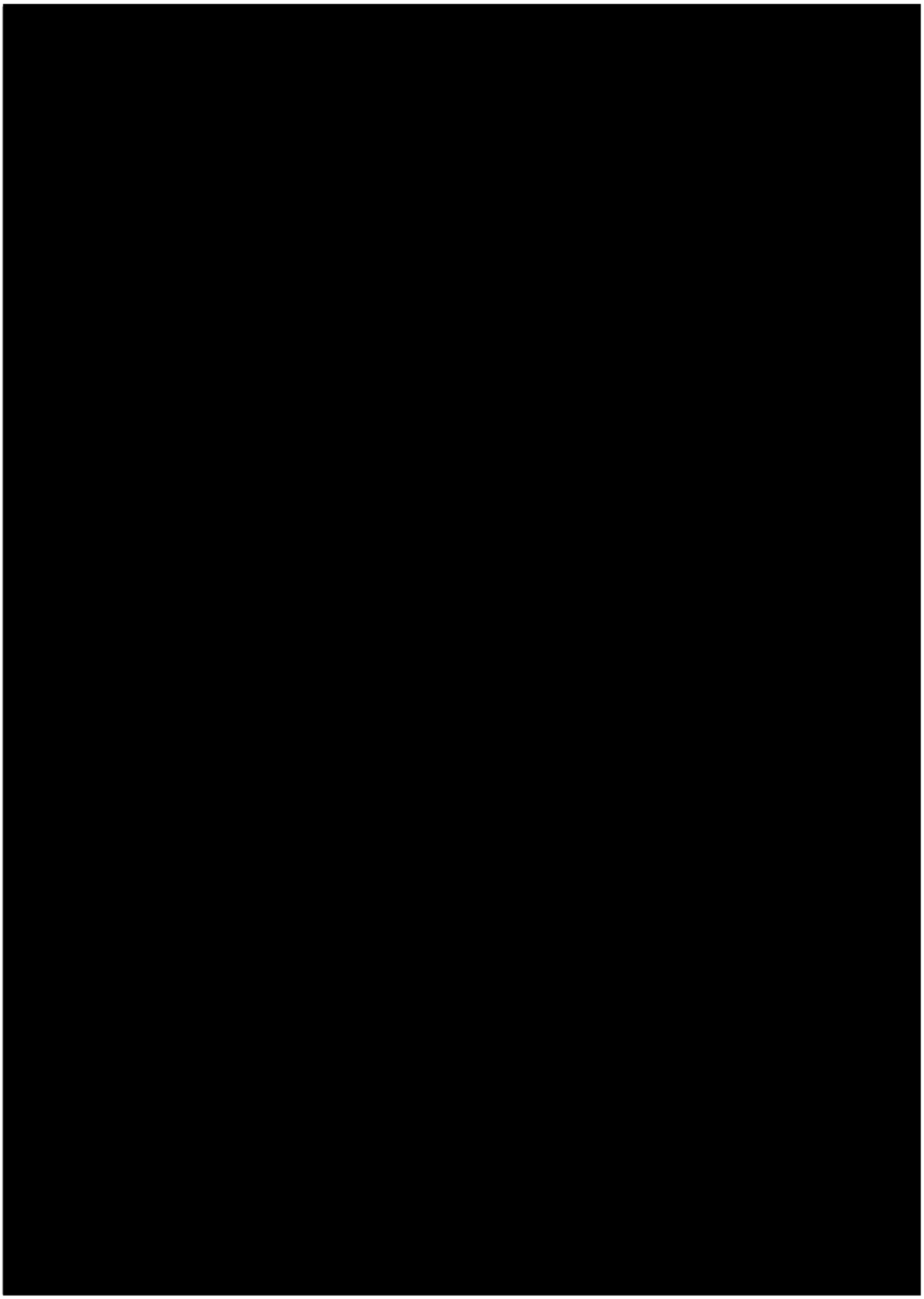


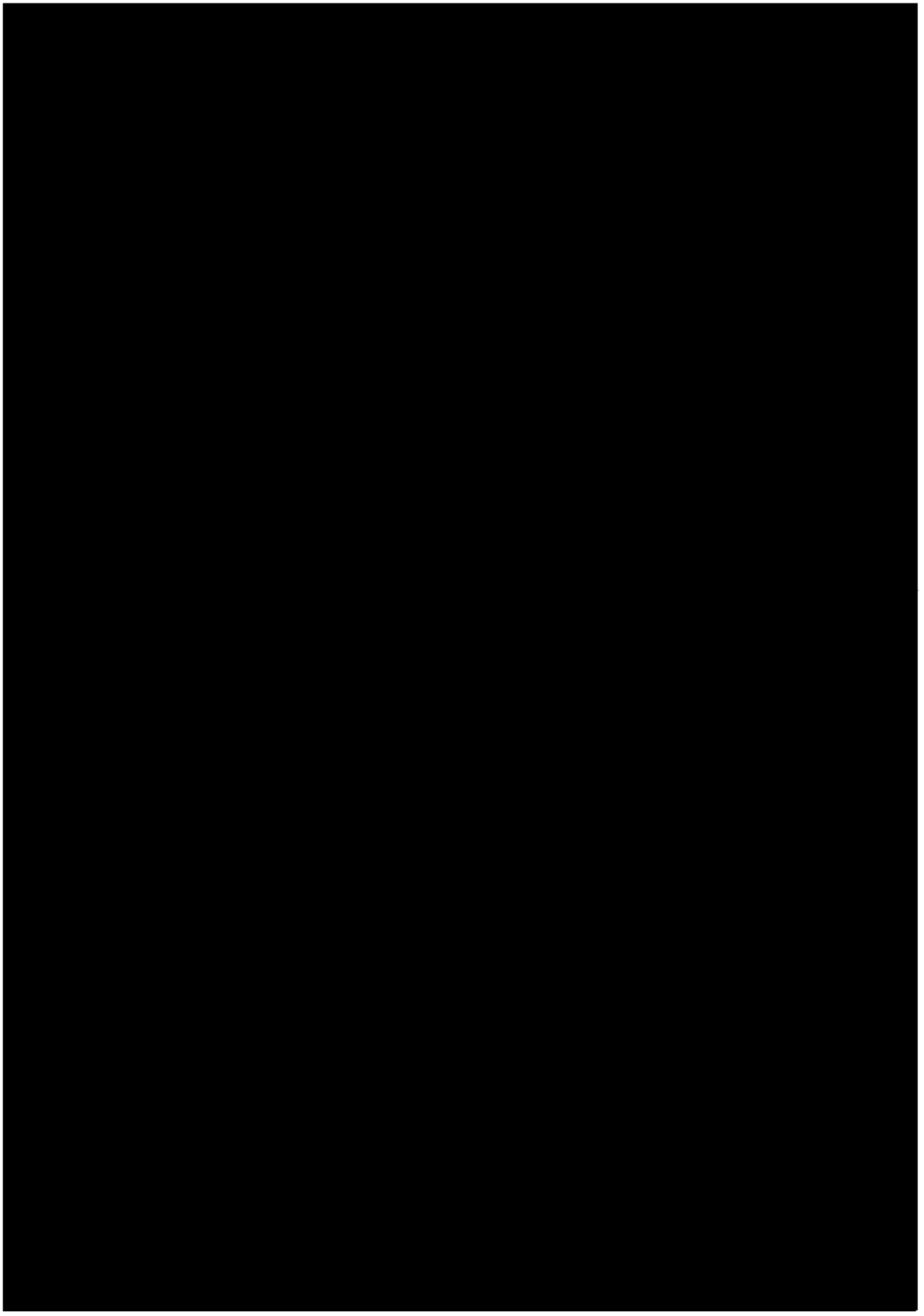
EXHIBIT 6











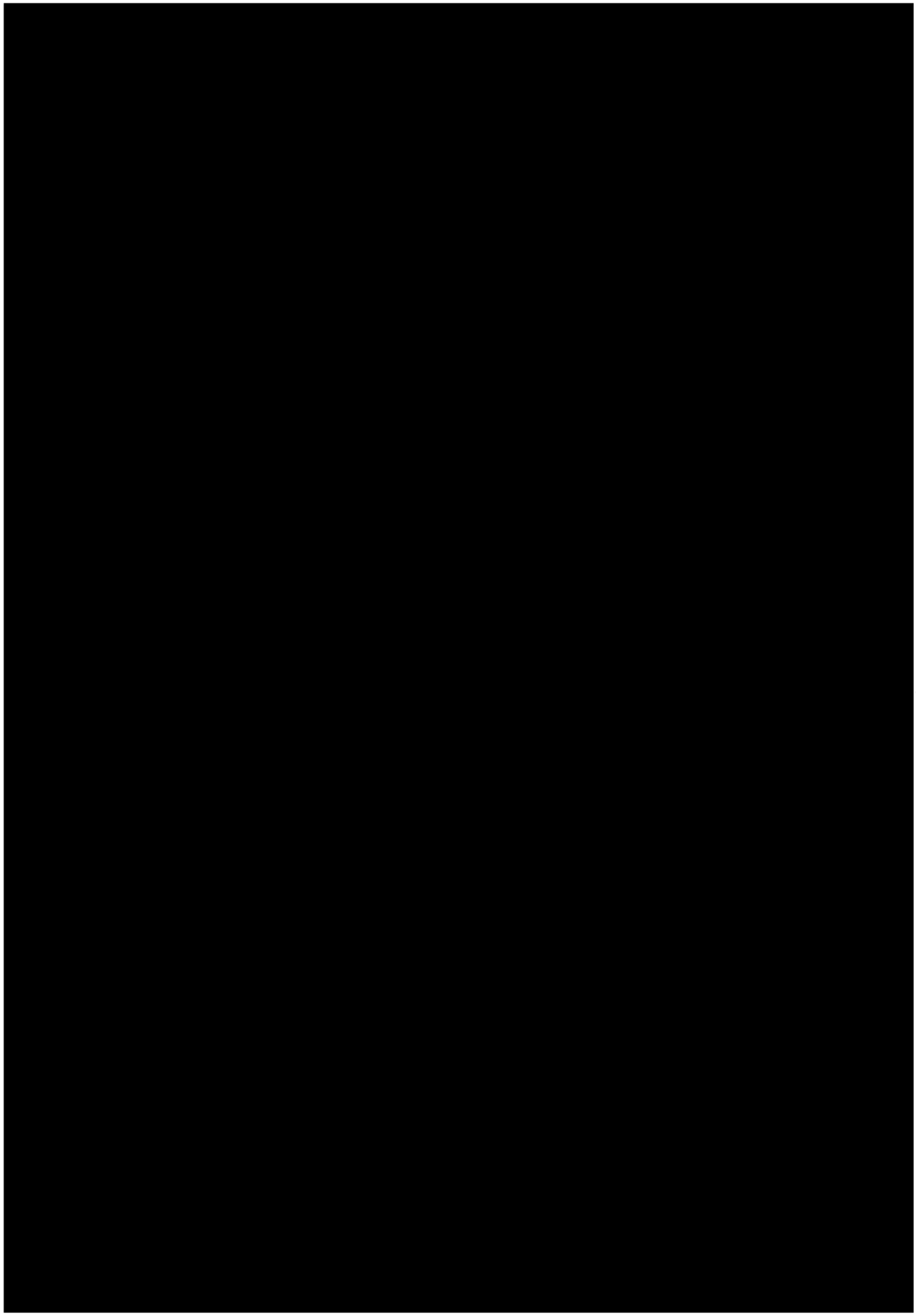


EXHIBIT 7

MANAGEMENT

0

Management Board

0

Peter Walker

Chief Executive Officer

(/global-en/company/management/peter-walker/)

Ercan Keles

Chief Financial Officer

(/global-en/company/management/ercan-keles/)

Vincent Della Valle

Chief Operating Officer Operations

(/global-en/company/management/vincent-della-valle/)

Kevin Lavallee

Chief Operating Officer Field

(/global-en/company/management/kevin-lavallee/)

Dr. Philipp Voet van Vormizeele

Chief Human Resources Officer

(/global-en/company/management/philipp-voet-van-vormizeele/)

0

CEOs of the Business Units

0

Inge Delobelle

CEO BU Europe Africa

(/global-en/company/manageme

Kevin Lavallee

CEO BU North America

(/global-en/company/manageme

Paulo Roberto Manfroi

CEO BU Latin America

(/global-en/company/manageme

Jürgen Böhler

CEO BU Asia Pacific

(/global-en/company/management/juergen-boehler/)

Mauro Carneiro

CEO BU HOME

(/global-en/company/management/mauro-carneiro/)

Manuel Alvarez

CEO BU AIR

(/global-en/company/management/manuel-alvarez/)

0

Supervisory Board

0

Stockholder representatives

Hans-Hermann Lotter

Chairman of the Supervisory Board

Prof. Dr. Wilhelm Bender

Independent management consultant

Independent entrepreneur

Jan-Nicolas Garbe

Senior Principal, Cinven GmbH

Pontus Pettersson

Partner, Cinven Partners LLP

Pedro Sainz de Baranda

Independent Entrepreneur

Bruno Schick

Partner, Cinven GmbH

Paul Vega

Managing Director, Cinven Partners LLP

Employee representatives

Knut Giesler (Vice Chairman)

Regional Director IG Metall North-Rhine Westphalia

Markus Goretzki

Branch manager - Service branches Nuremberg and Bayreuth of thyssenkrupp Aufzüge GmbH, Head of EAGLE DACH

Jürgen Groß

Second Authorized Representative of the Esslingen branch office of IG Metall

Susanne Herberger

Informatics engineer
Chairwoman of the Works Council Union TK Elevator

Wolfgang Krause

Electrician
Chairman of the General Works Council of thyssenkrupp Aufzüge GmbH

Jörn Kruse

Sales consultant
Chairman of the General Works Council of Tepper Aufzüge GmbH Nord

Georgios Triantafillidis

Power electronics technician
Chairman of the Works Council of thyssenkrupp Aufzugswerke GmbH

Yusuf Tüfekci

Cutting machine operator
Chairman of the Works Council of thyssenkrupp Fahrtreppen GmbH

EXHIBIT 8

Mauro Carneiro (He/Him) · 3rd

Chief E ecutive Officer Home Solutions at TK Elevator

- TK Elevator
- William Jewell College

United Kingdom · Contact info

500+ connections

Message More

Featured

Your global urban mobility leader | T

TK Elevator

TK Elevator

Activity

608 followers

Great to see that our S200 stairlift's excellent product design

34 Reactions • 5 Comments

Access BDD UK Team are all set to show the most innovative Stairlift (Chairlift) in the industry. The range of straight stairlift...

Mauro shared this

15 Reactions

Access BDD UK Team are all set to show the most innovative Stairlift (Chairlift) in the industry. The range of straight stairlift...

Mauro commented

See all activity

Experience

Chief Executive Officer Home Solutions

K Elevator · Full time

eb 2016 Present · 6 yrs

England, United Kingdom

CEO

thyssenkrupp Home Solutions

Jan 2016 – Present · 6 yrs 1 mo

United Kingdom

Global

CEO

thyssenkrupp Access Solutions

May 2018 – Present · 3 yrs 9 mos

Essen Area, Germany

Global Managing Director

thyssenkrupp Access

Jan 2014 – Jan 2016 · 2 yrs 1 mo

Managing Director Europe

thyssenkrupp

an 2006 Mar 2015 · 9 yrs 3 mos

William Jewell College
1989 – 1992

Centro Federal de Educação Tecnológica Parana
Electrical Engineering, Pre engineering and university
1983 – 1987

Recommendations

Received (0) Given (1)

Arjan Backer RC
(Interim) Finance Manager ★ Business Controller ★ Financial Controller ★ Group Controller ★ Finance Director
July 3, 2012, Mauro was senior to Arjan but didn't manage directly

Arjan is a well-seasoned Financial Manager, and keen learner, ambitious and reliable.

Interests

Fast Company
1,378,415 followers

Cavotec
41,403 followers

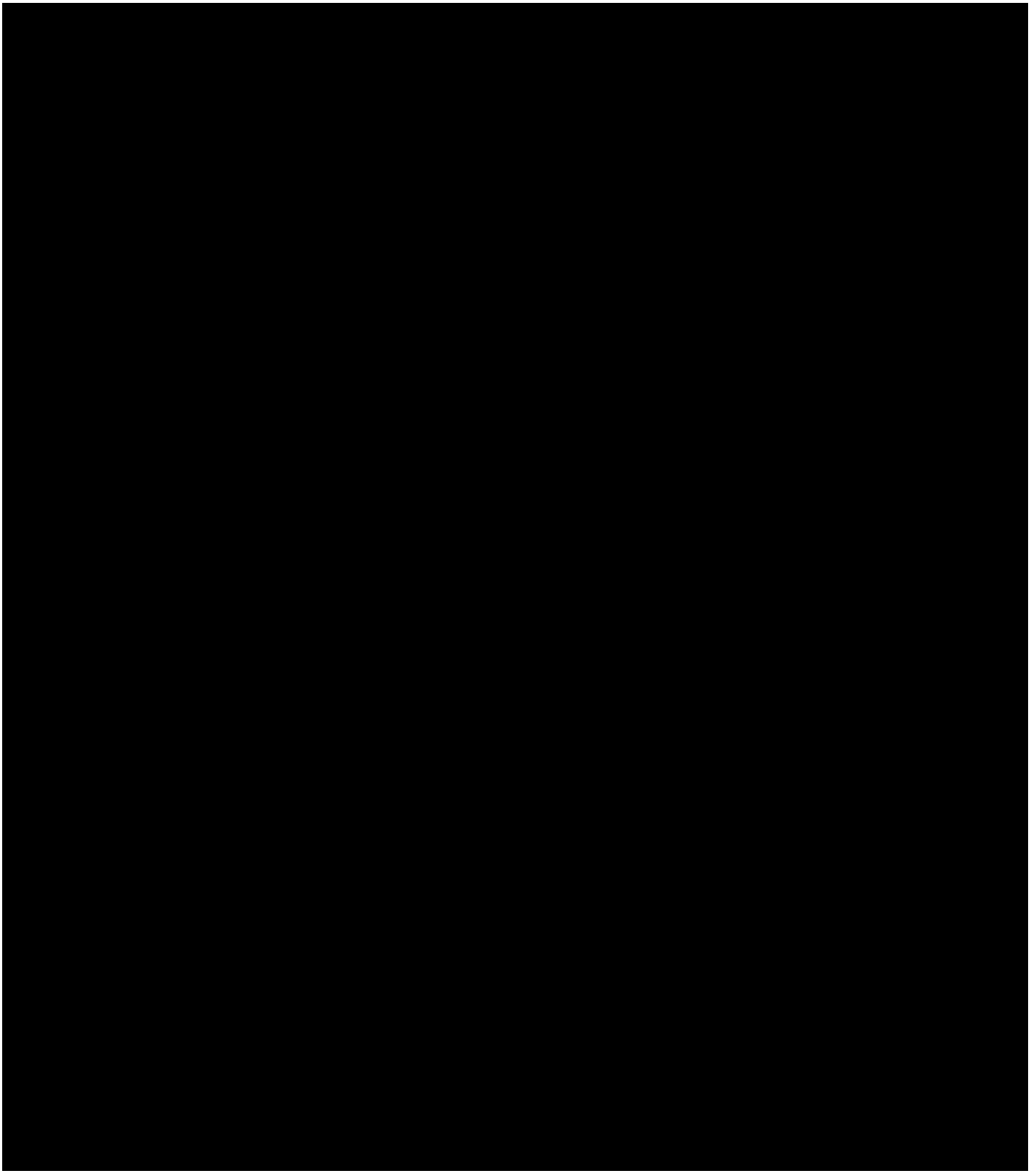
thyssenkrupp
513,015 followers

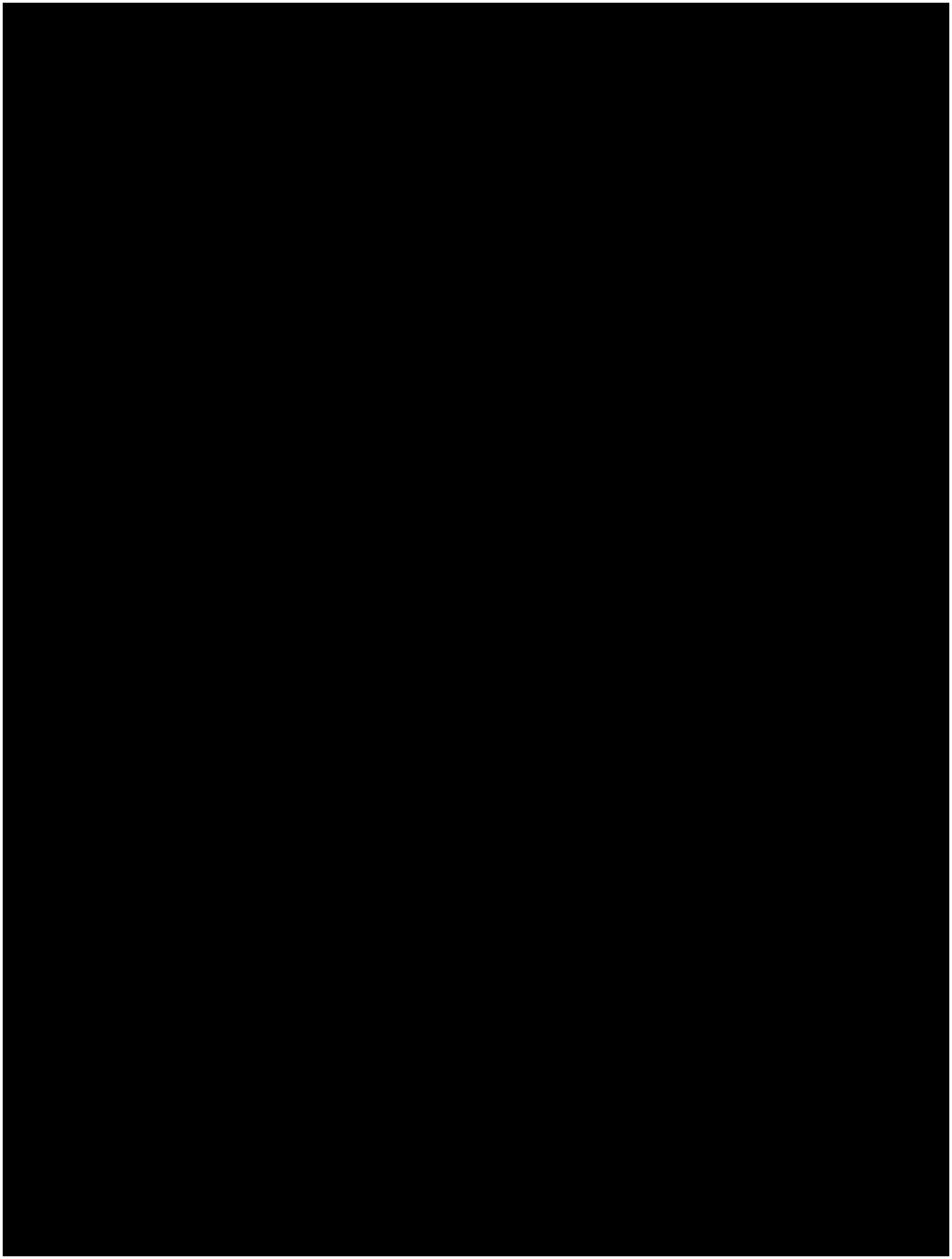
TK Home Solutions BV
2,393 followers

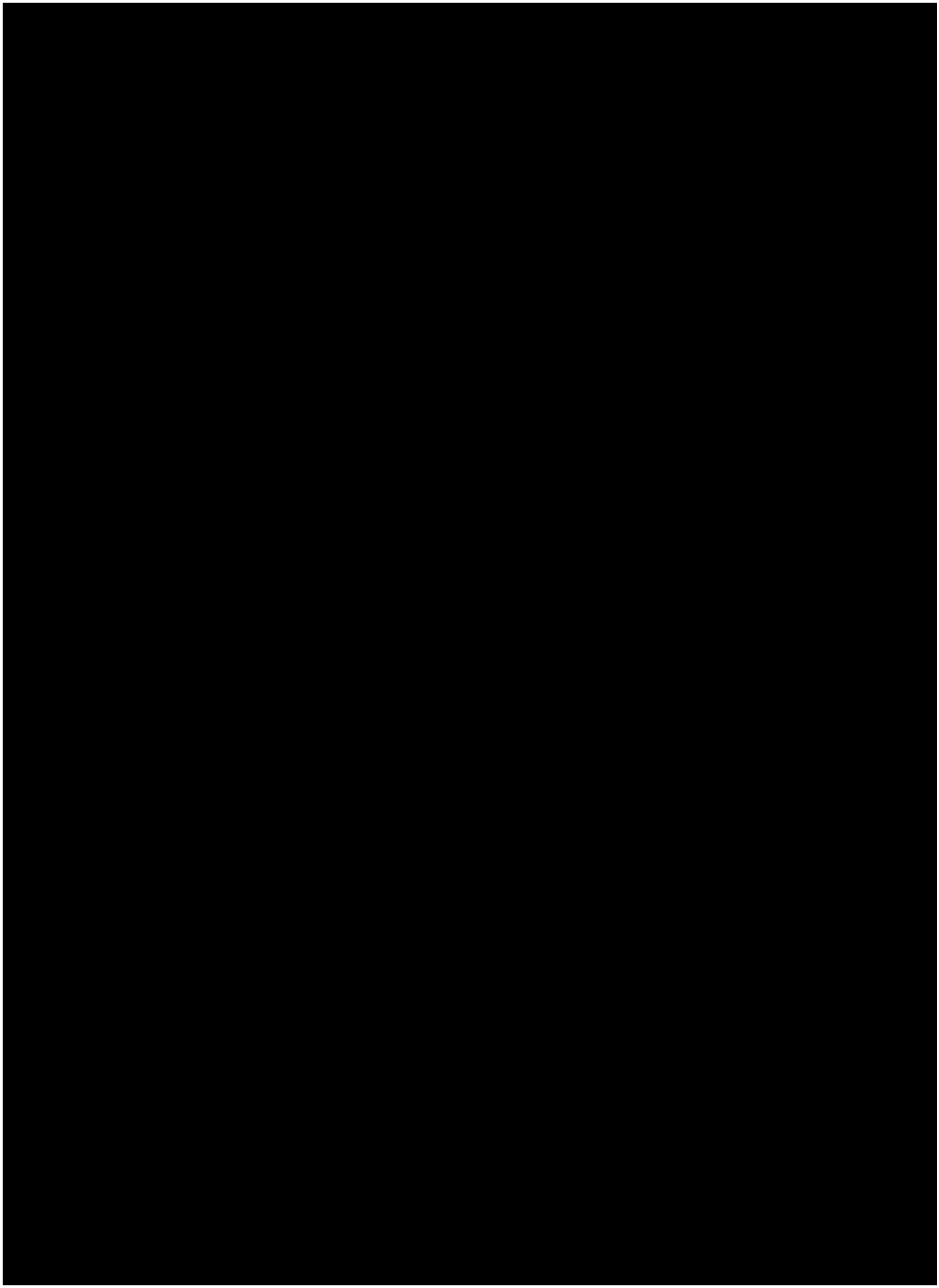
The Economist

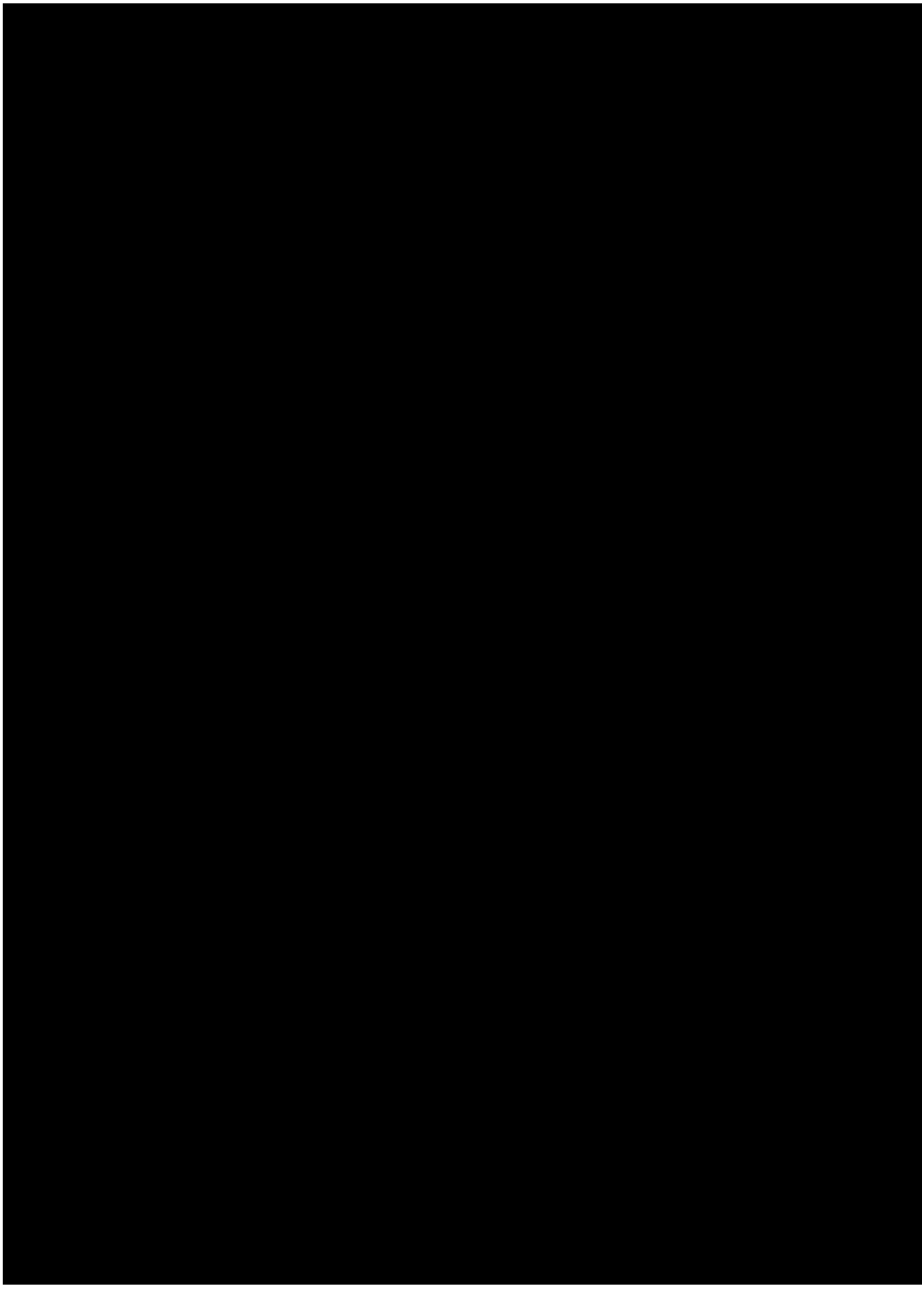
William Jewell College

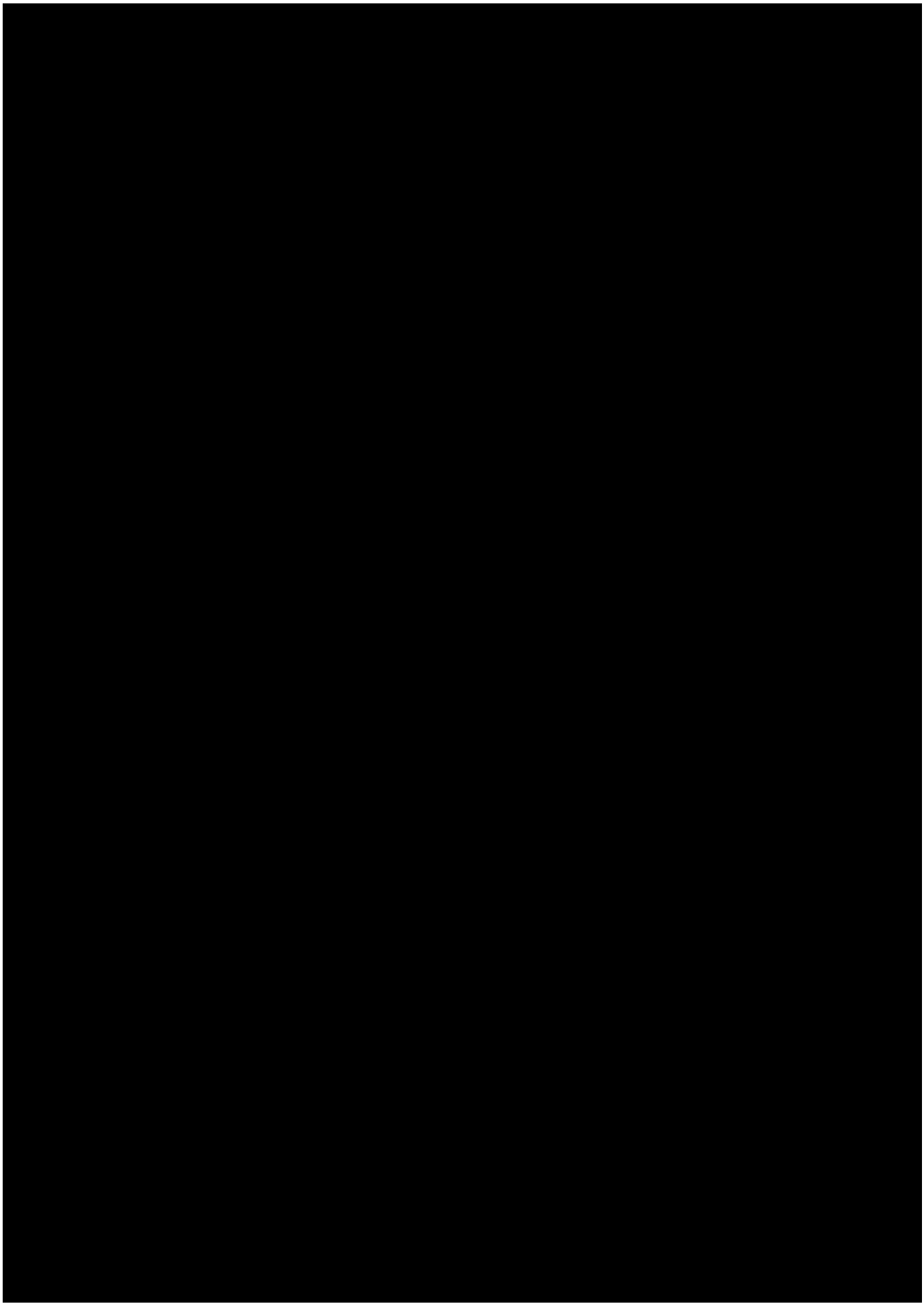
EXHIBIT 9

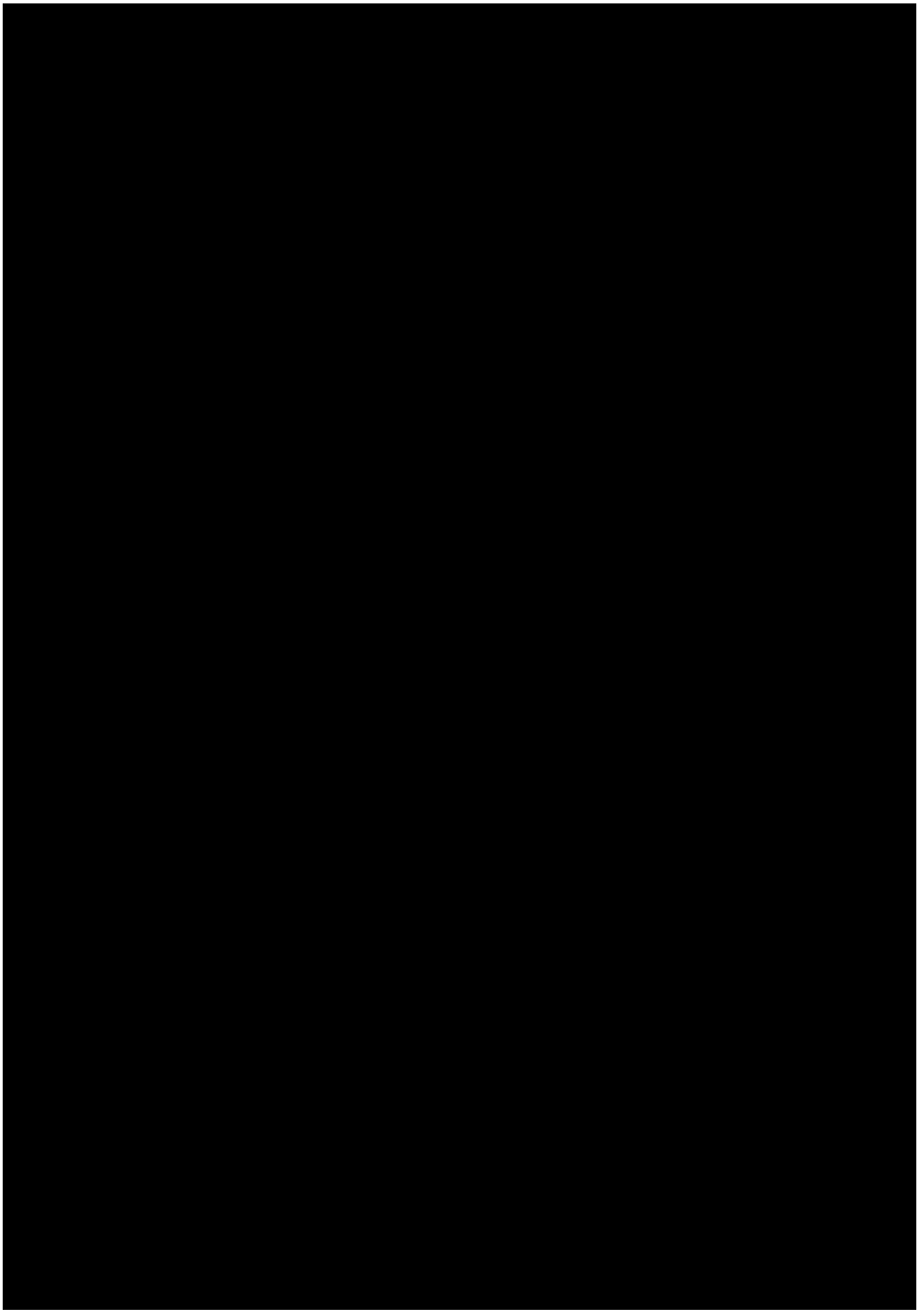


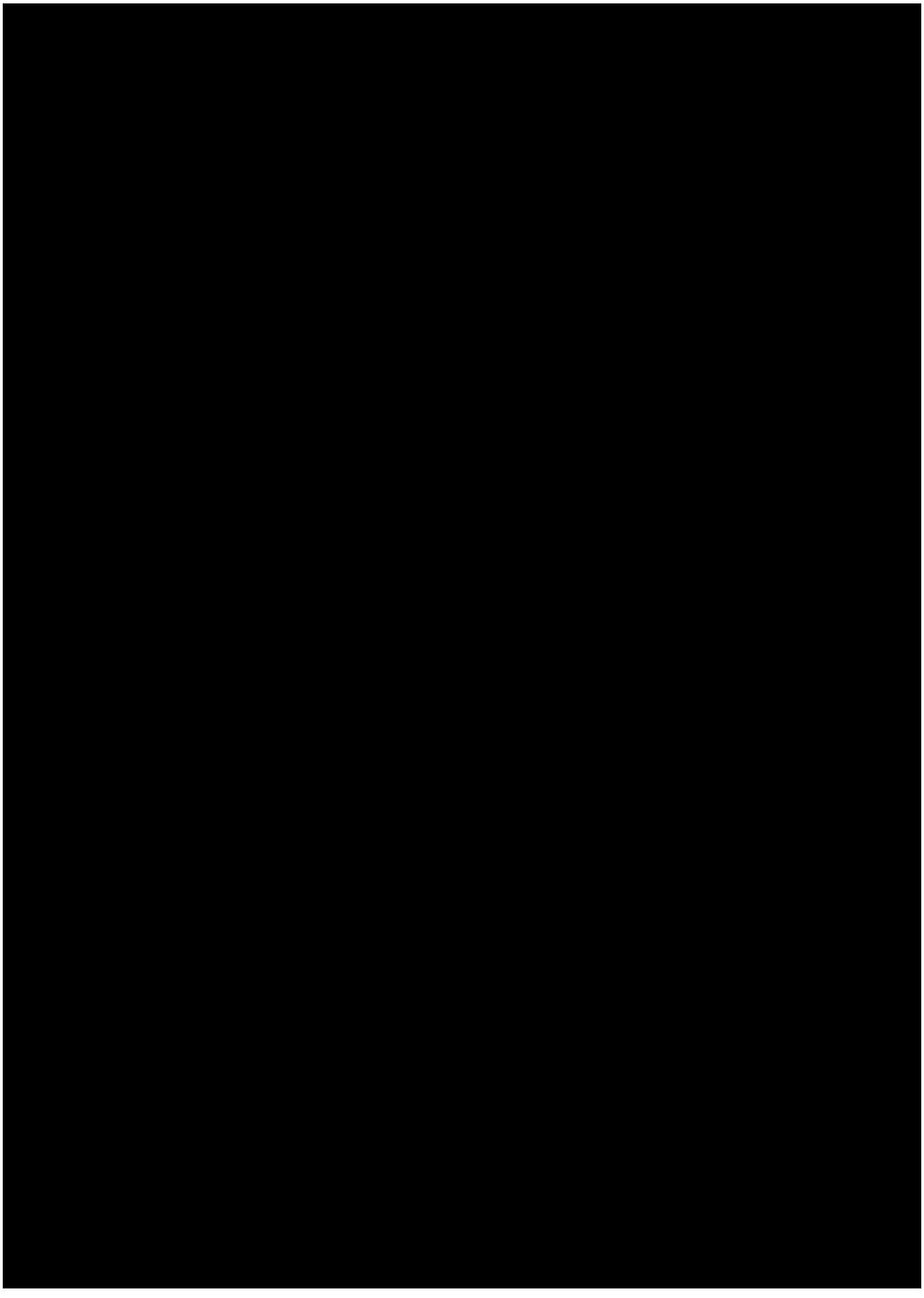


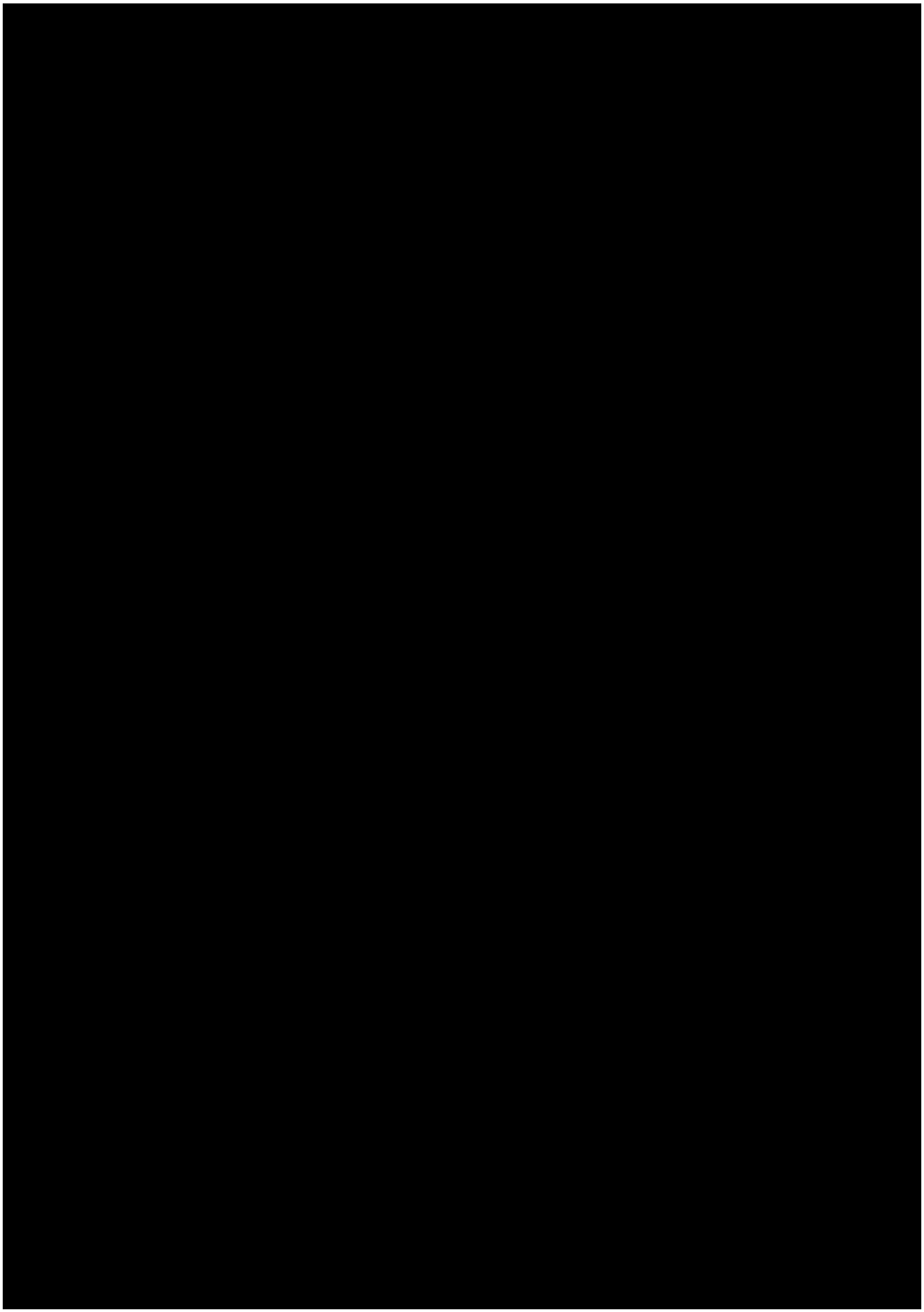


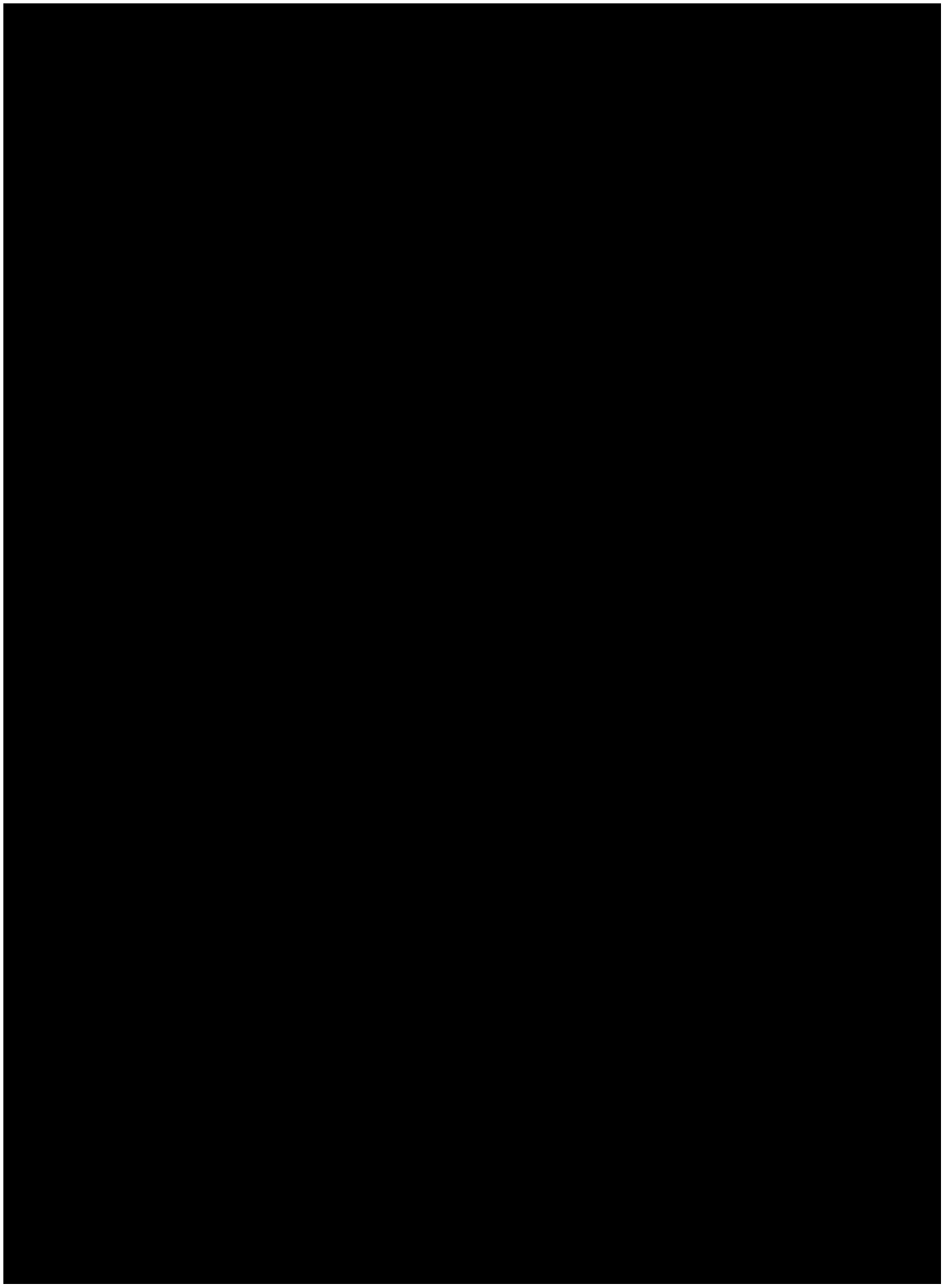


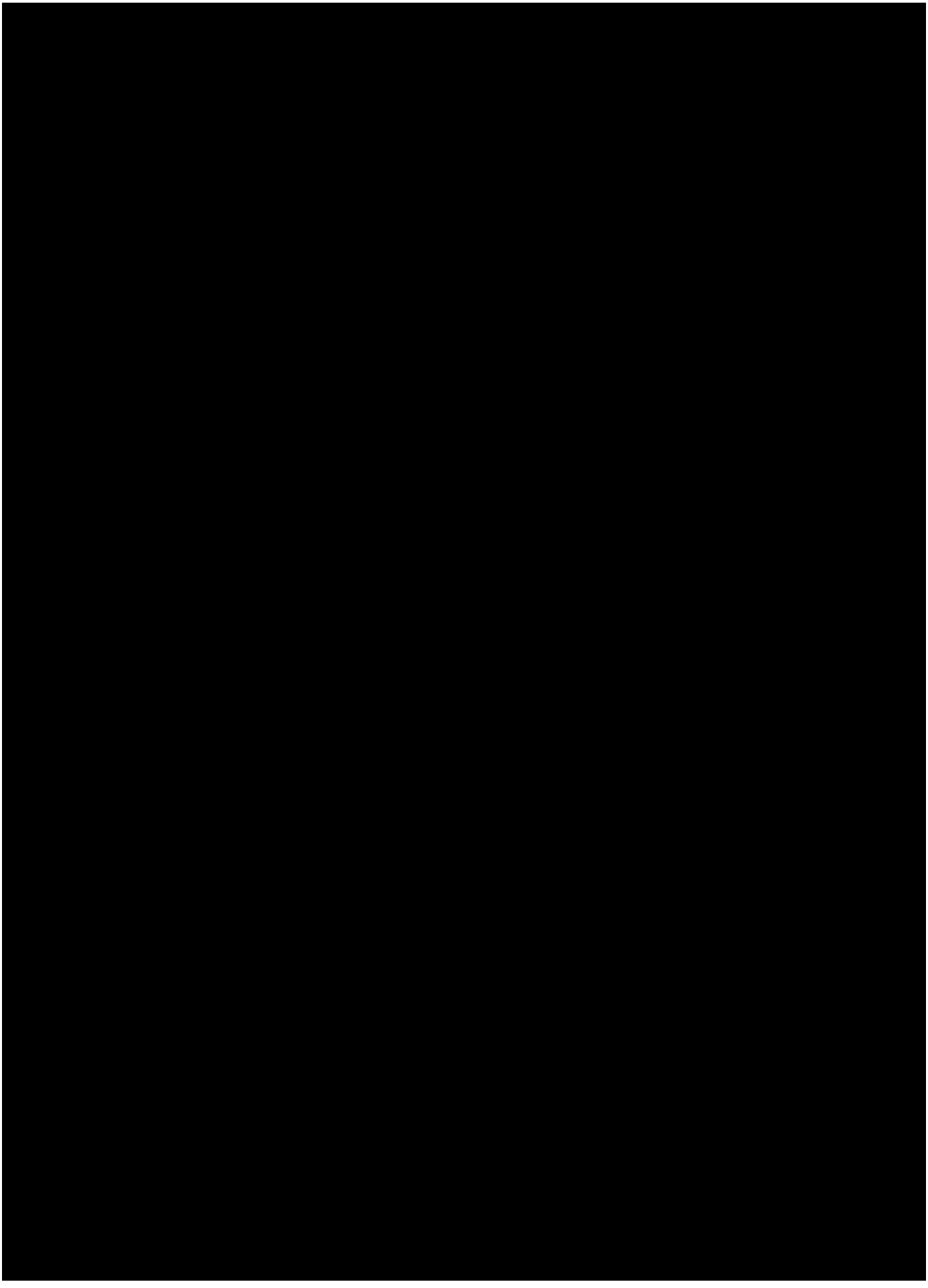


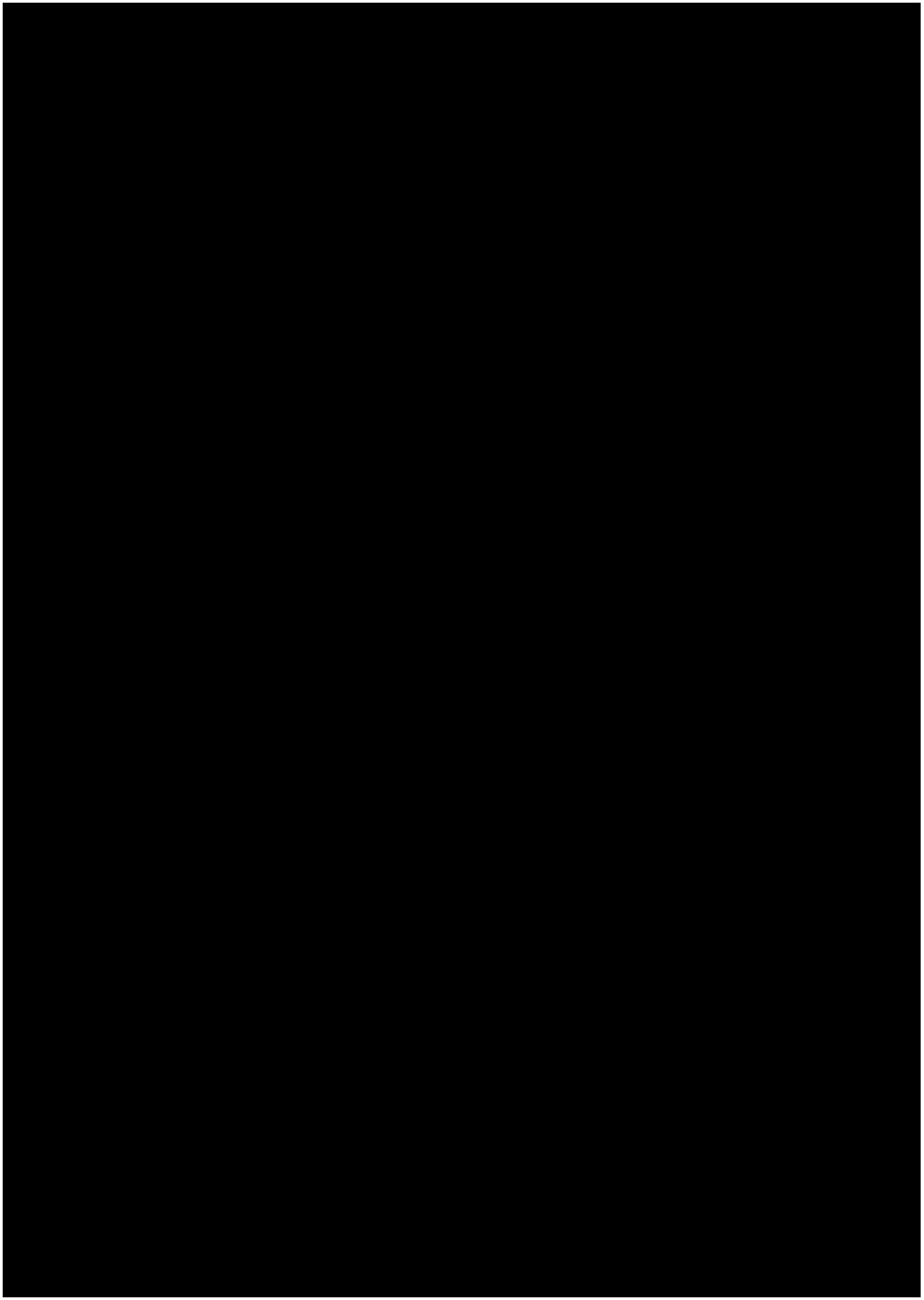












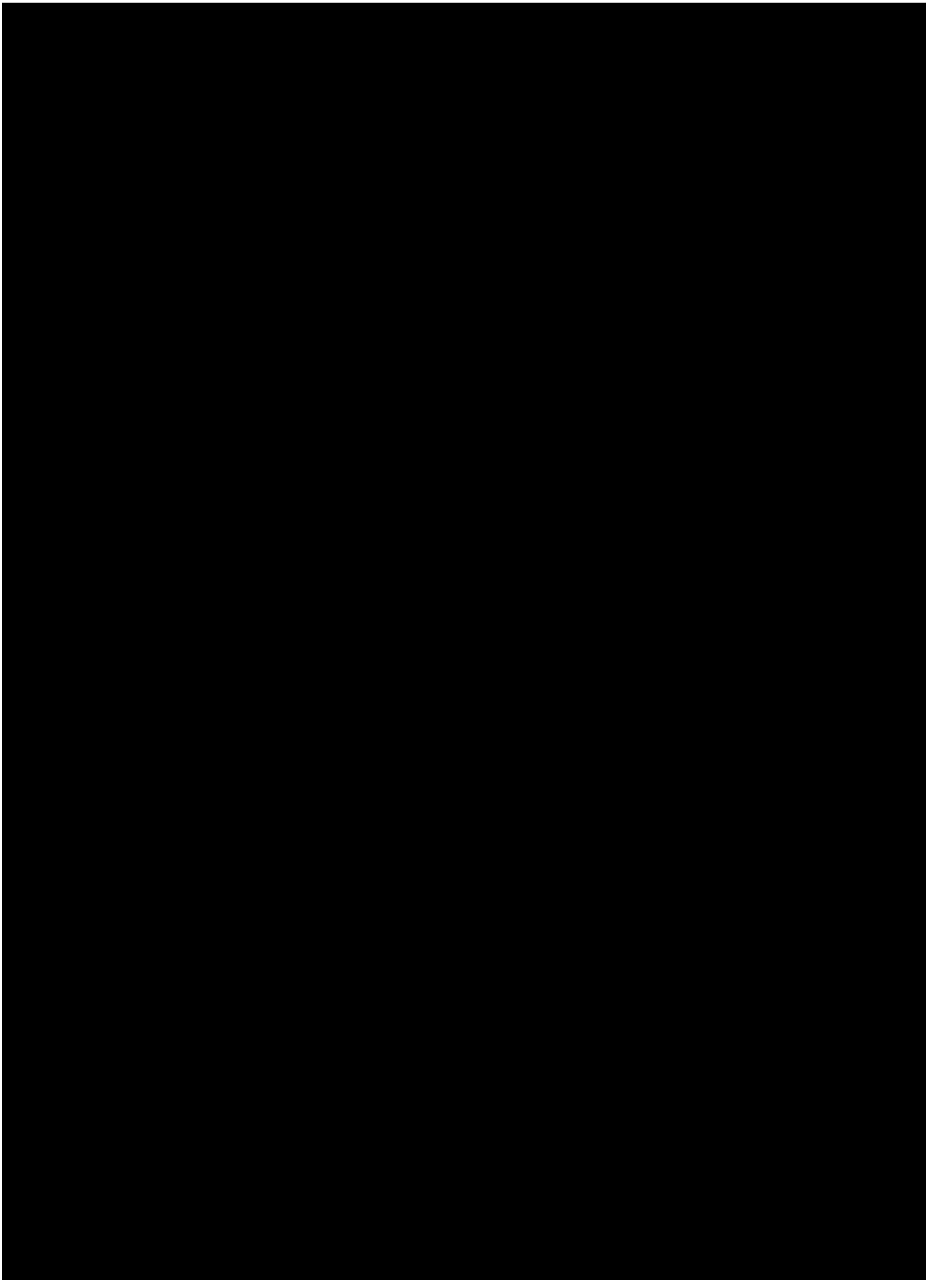
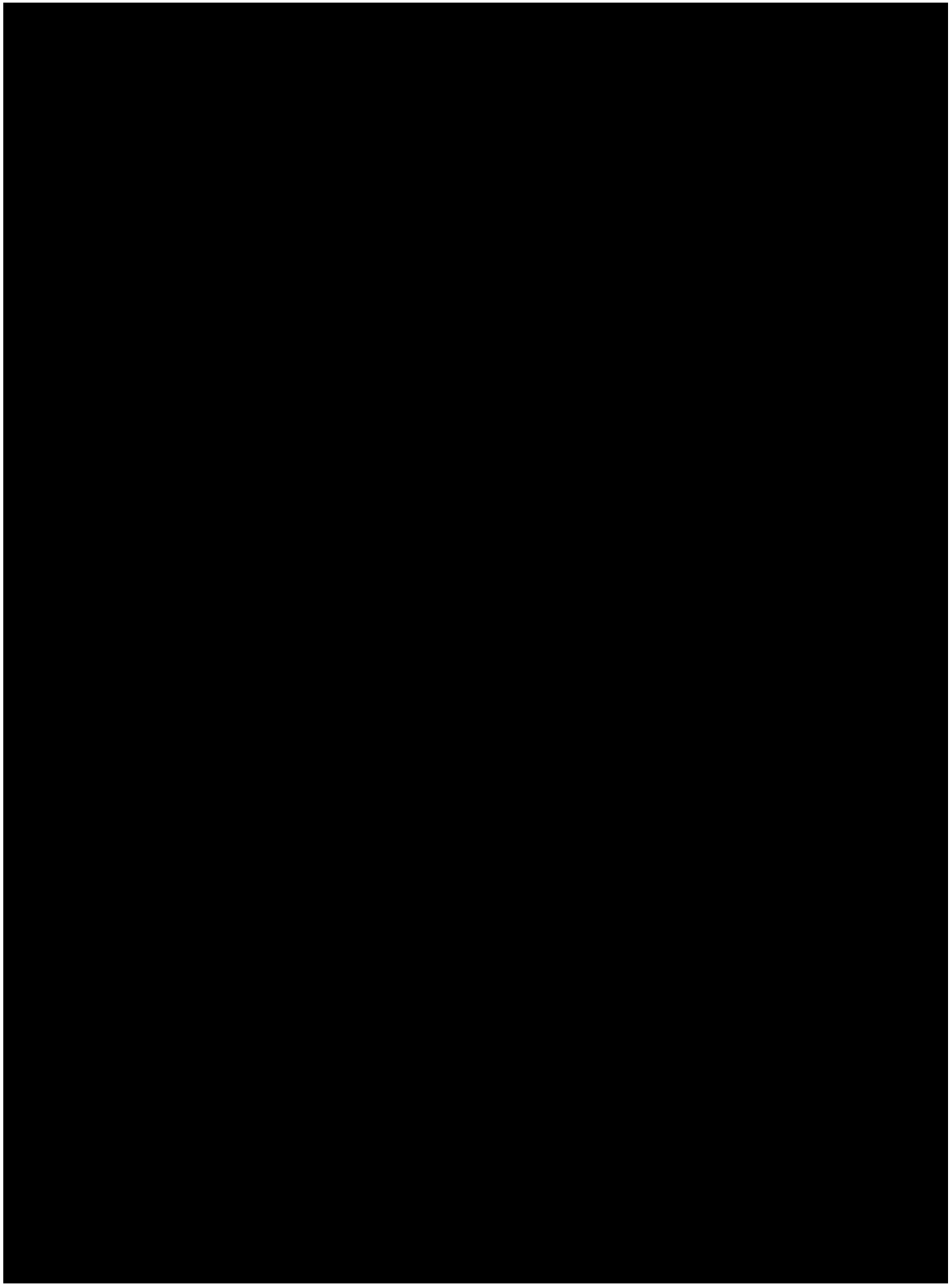
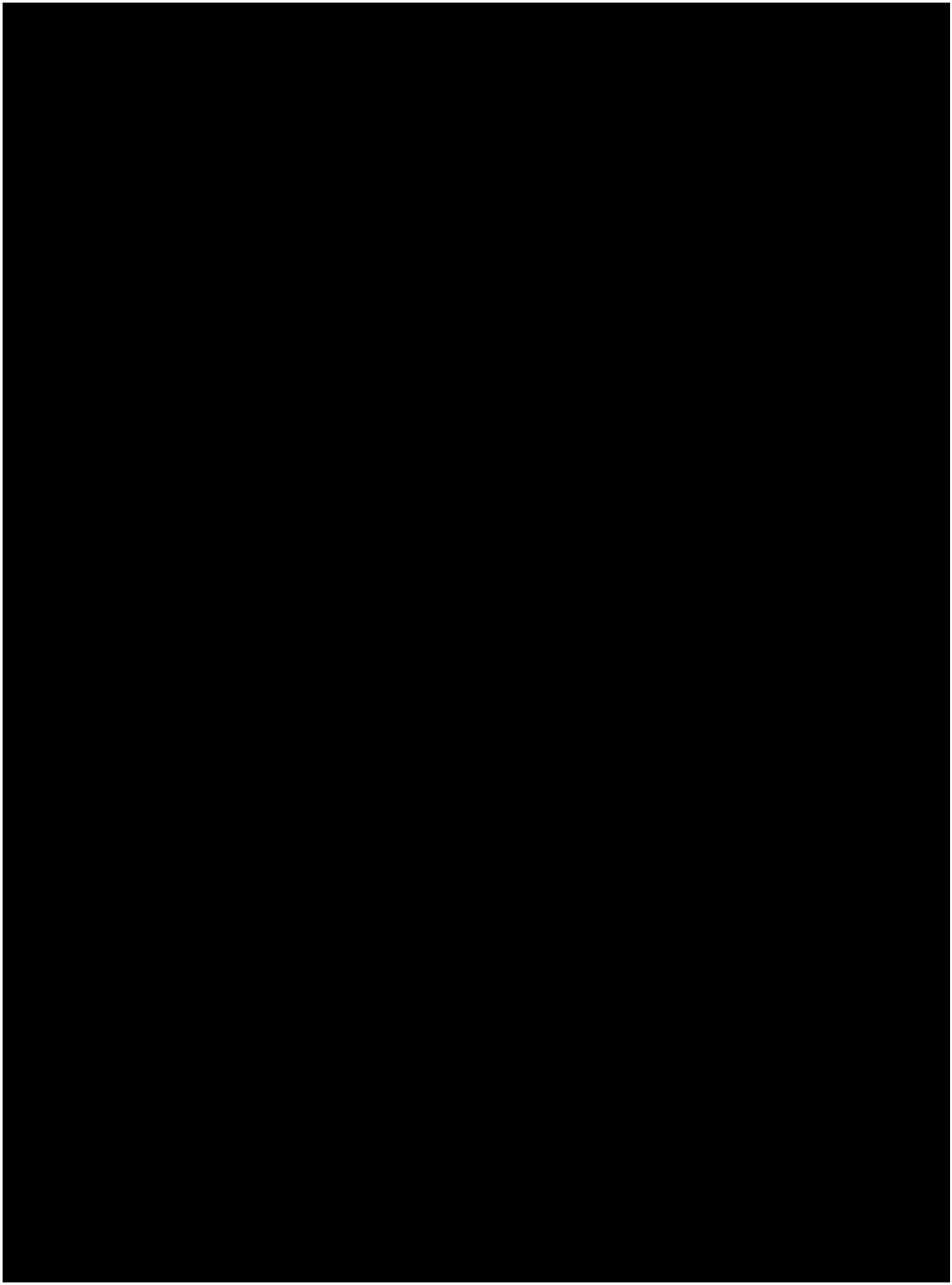
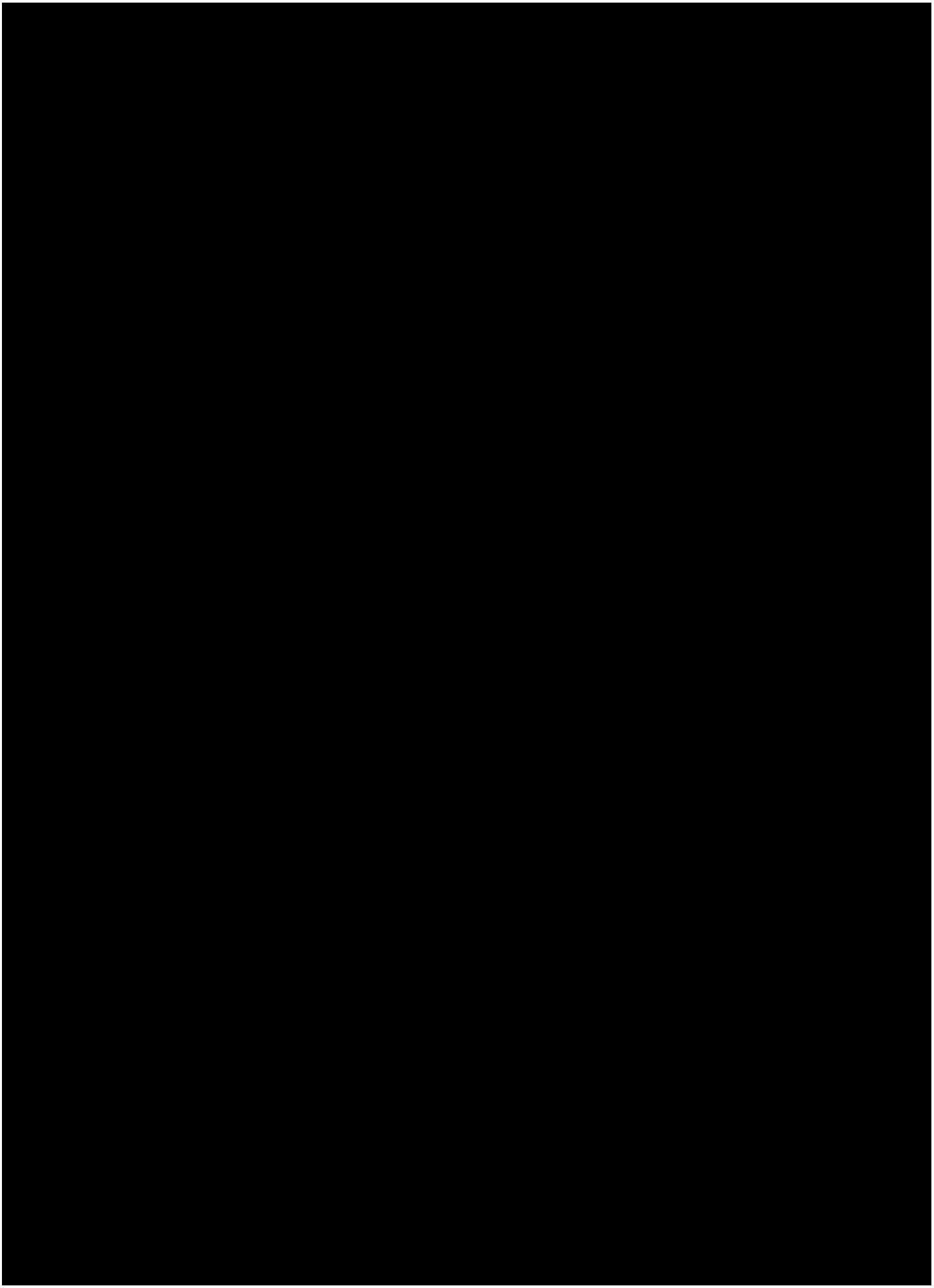


EXHIBIT 10







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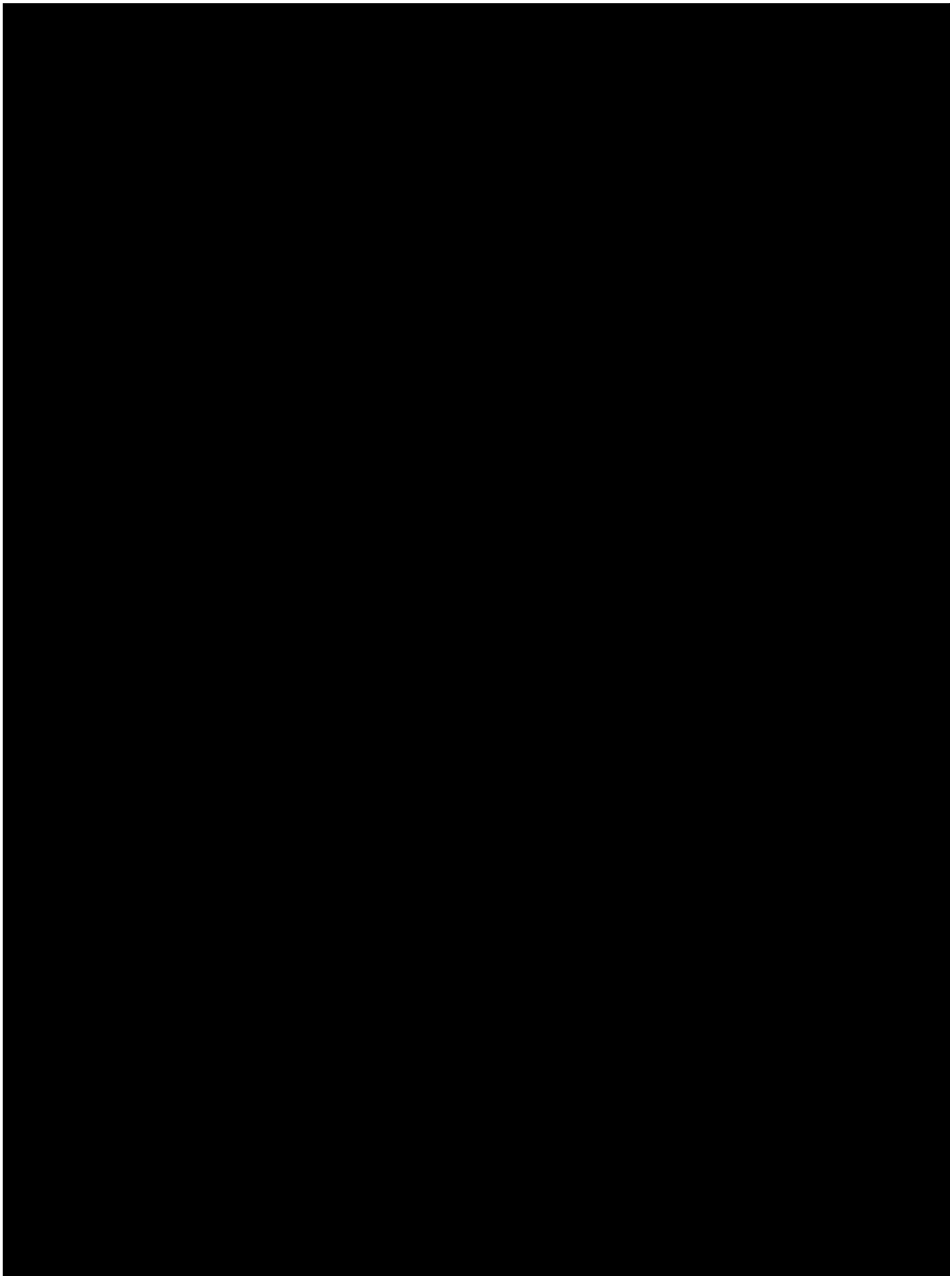
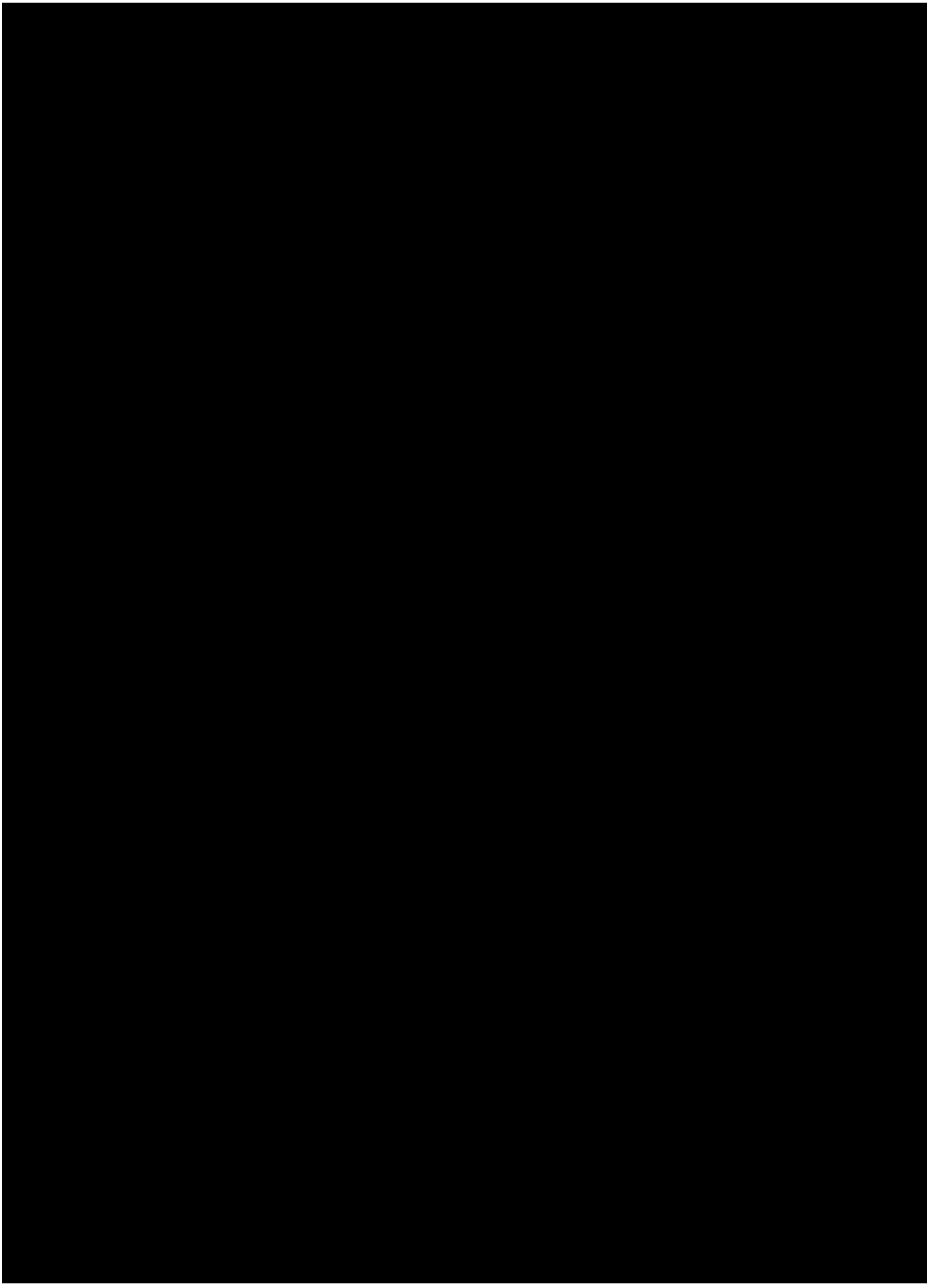
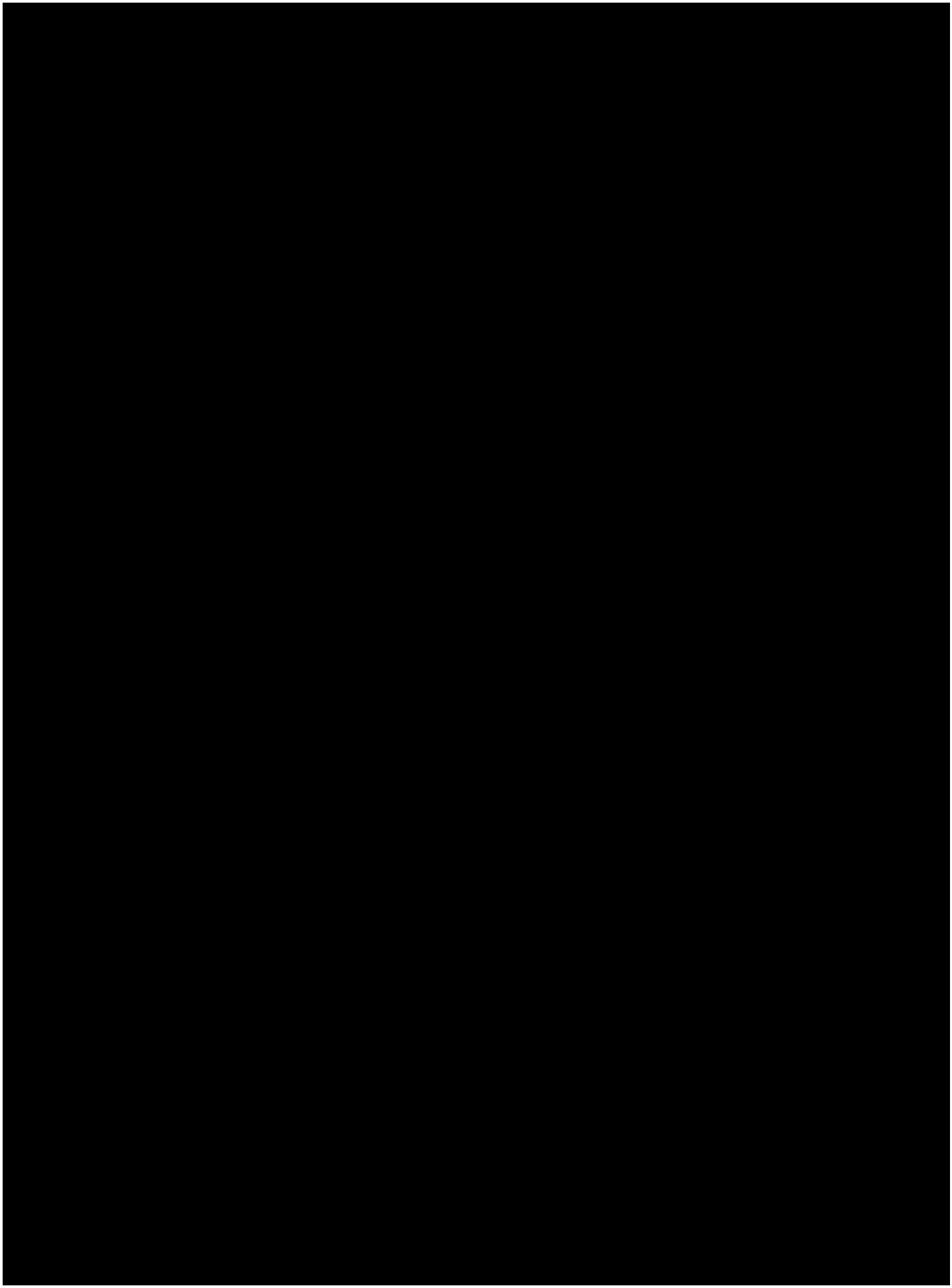
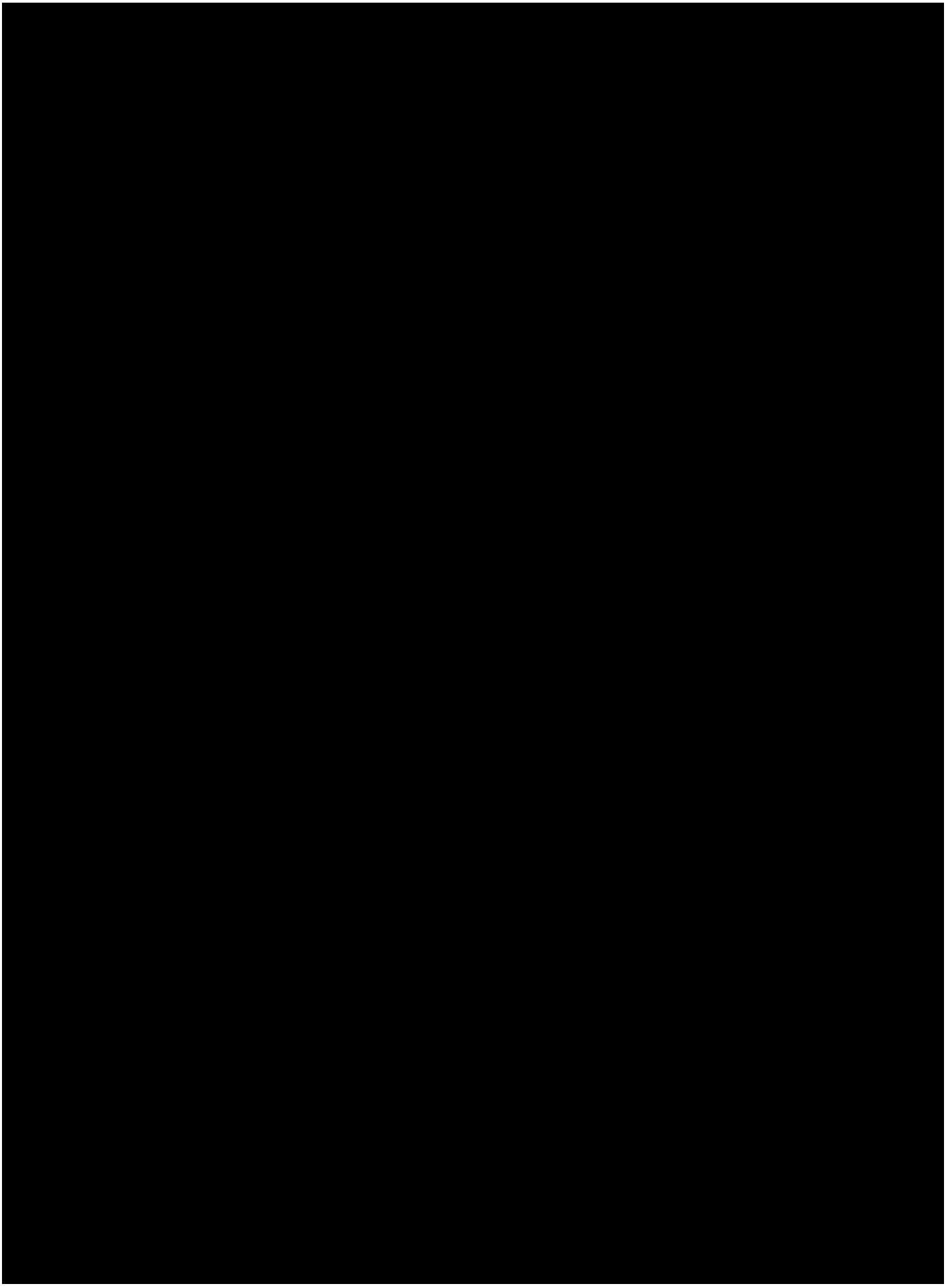
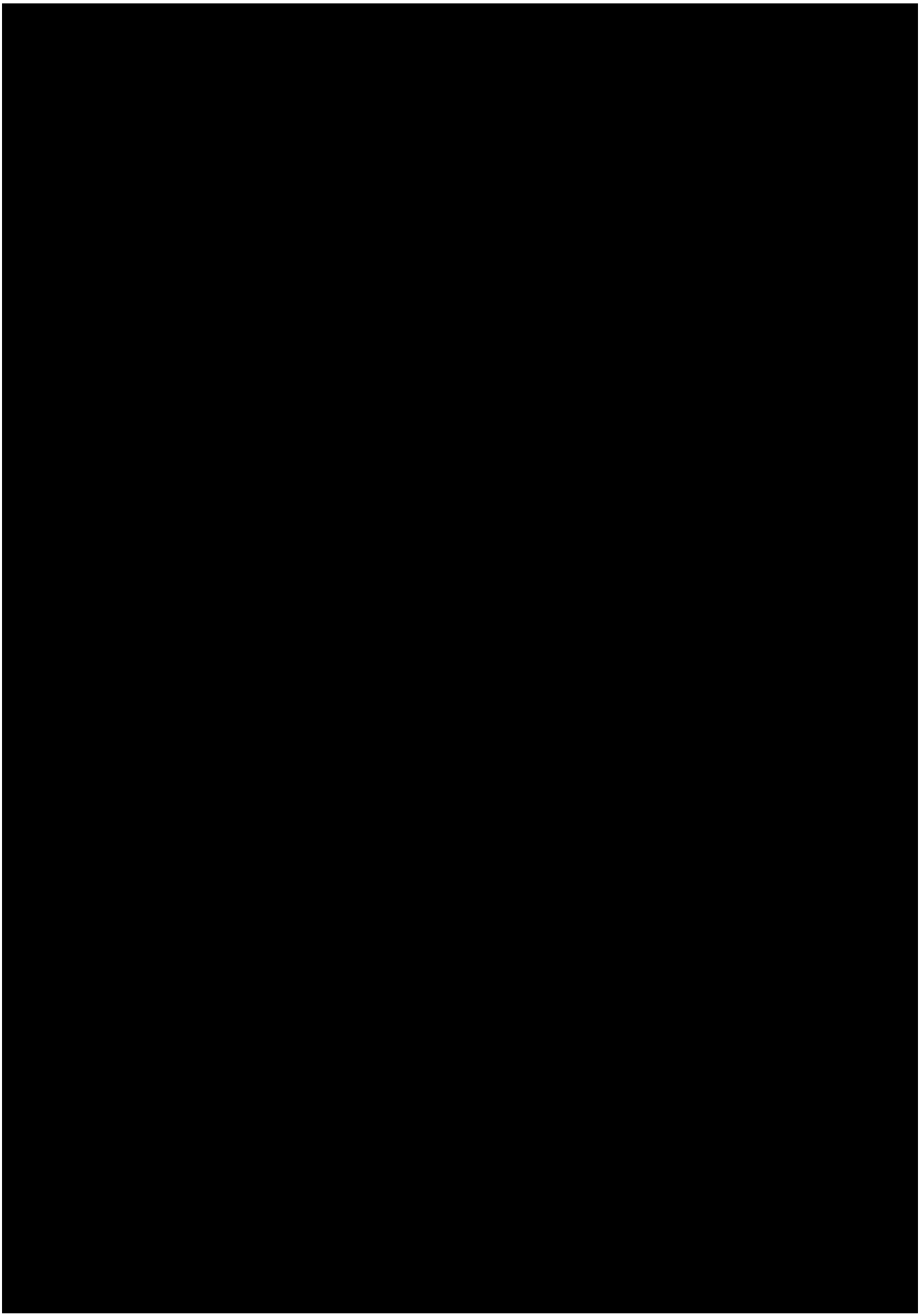
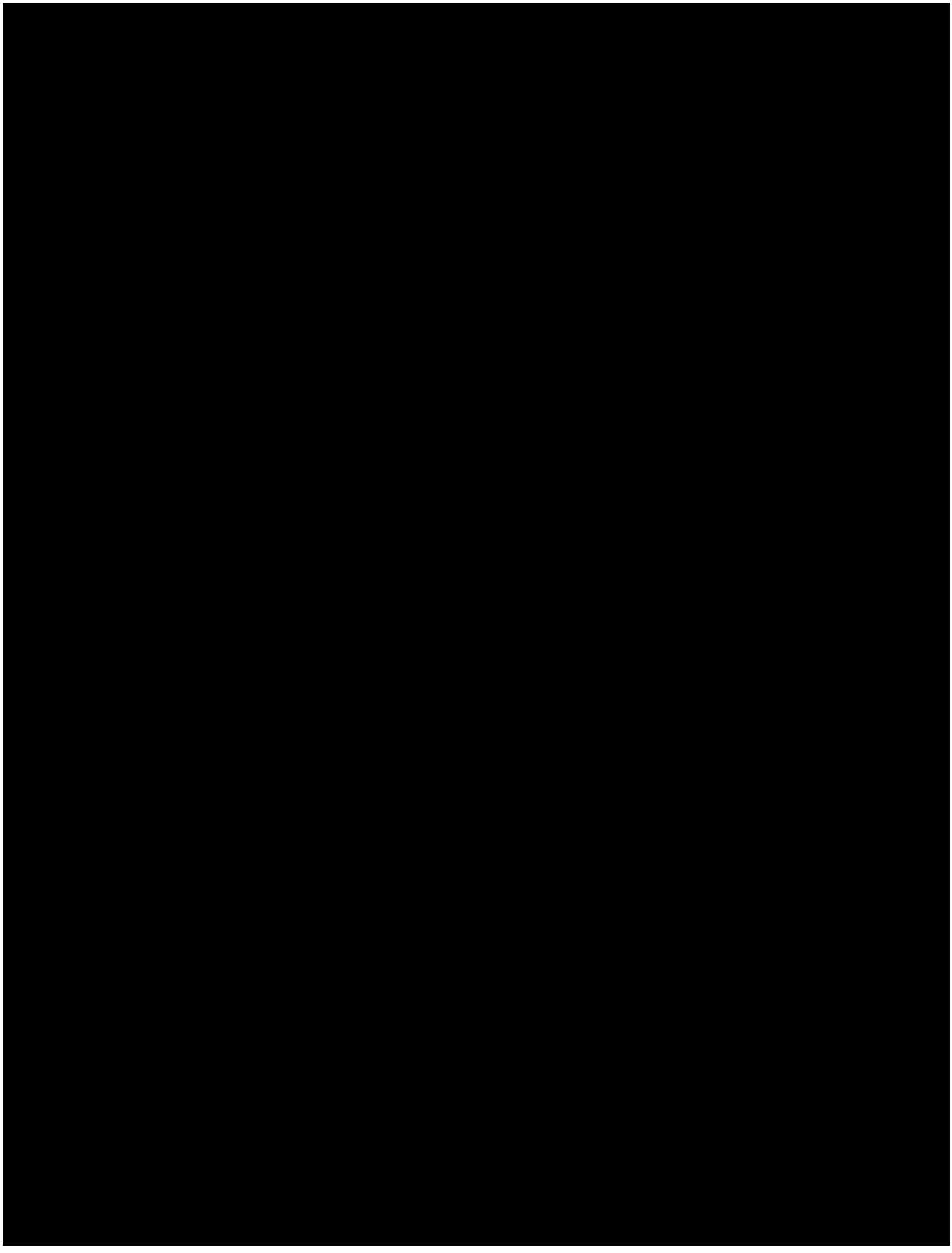


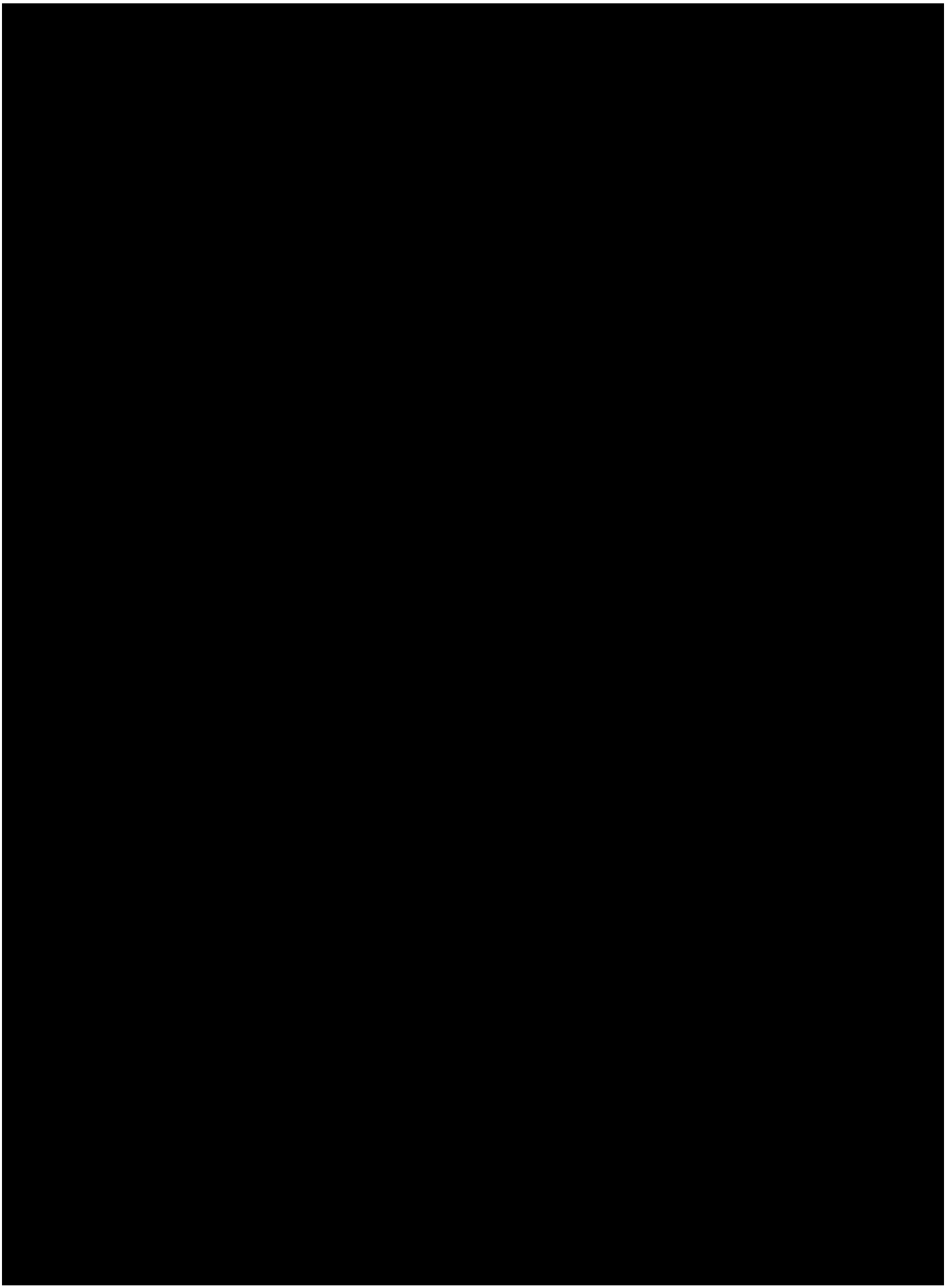


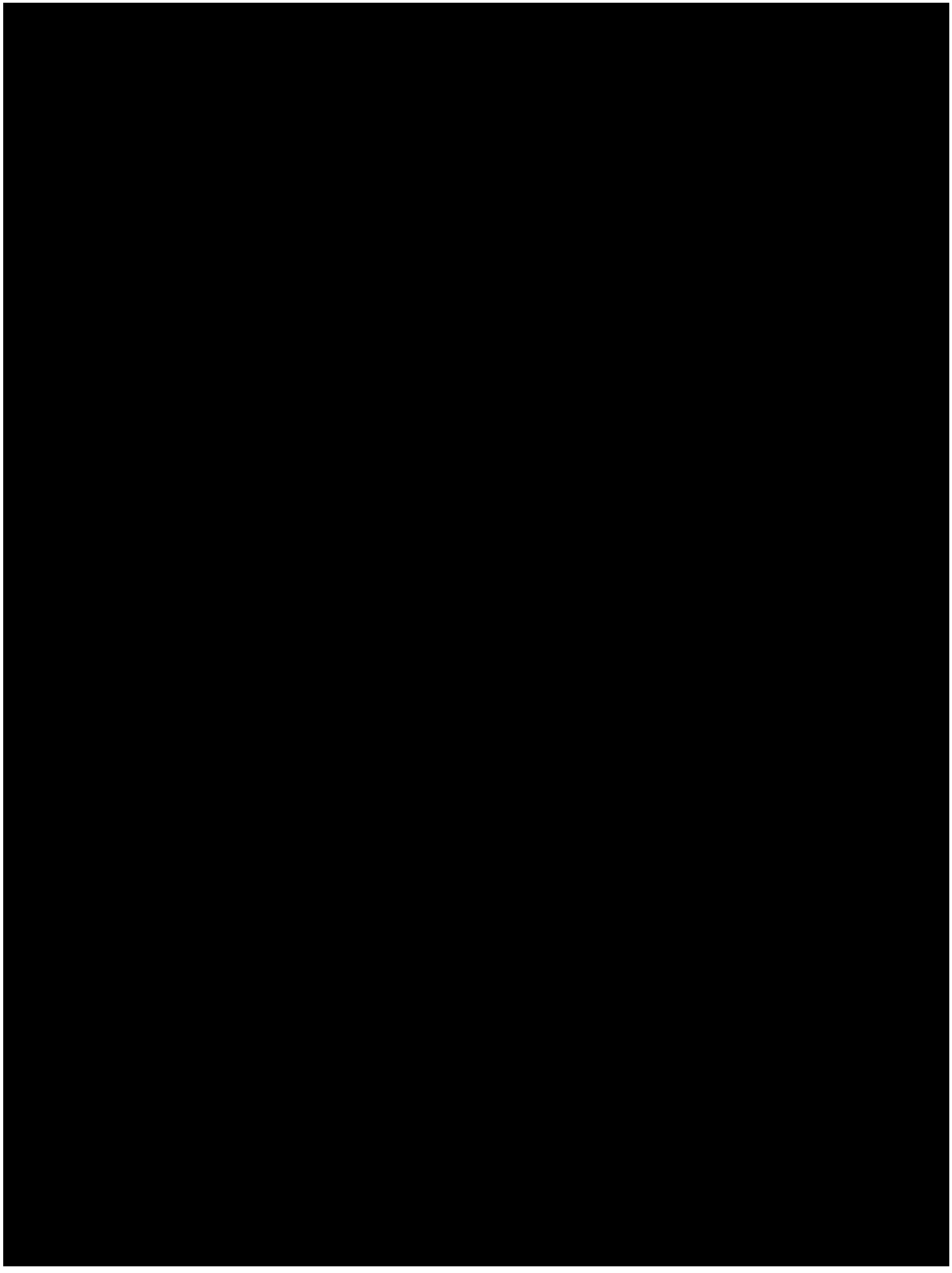


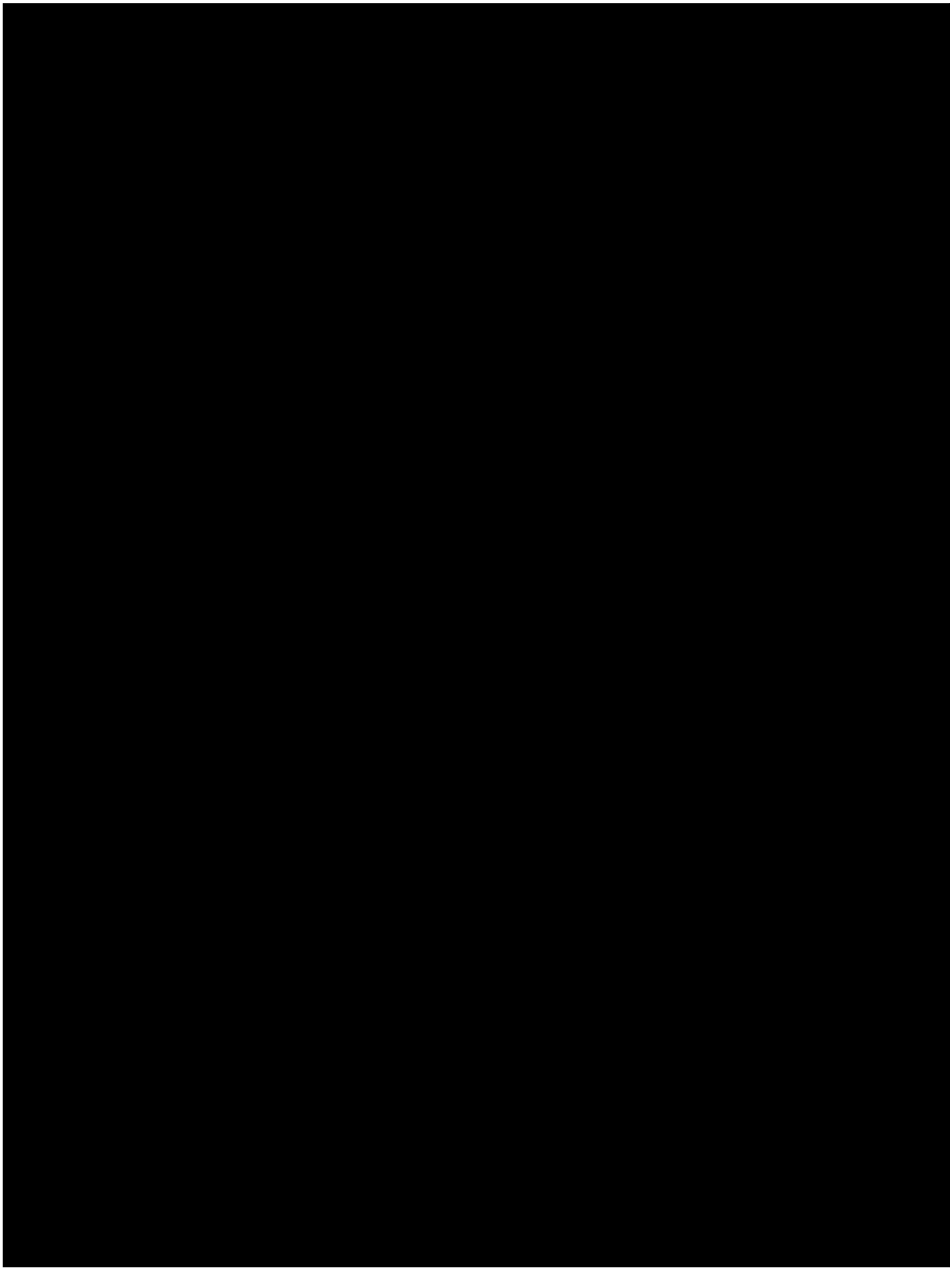


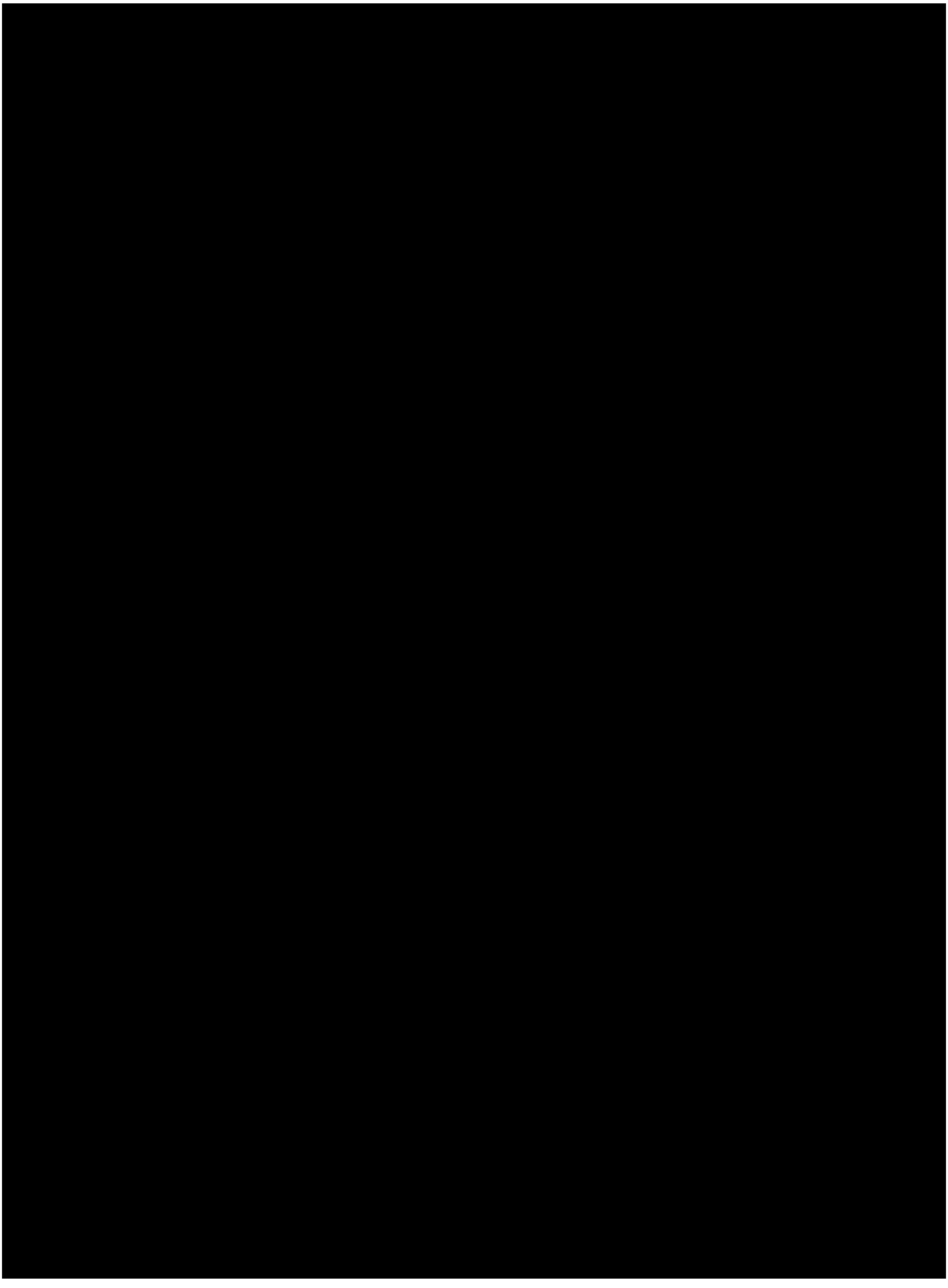


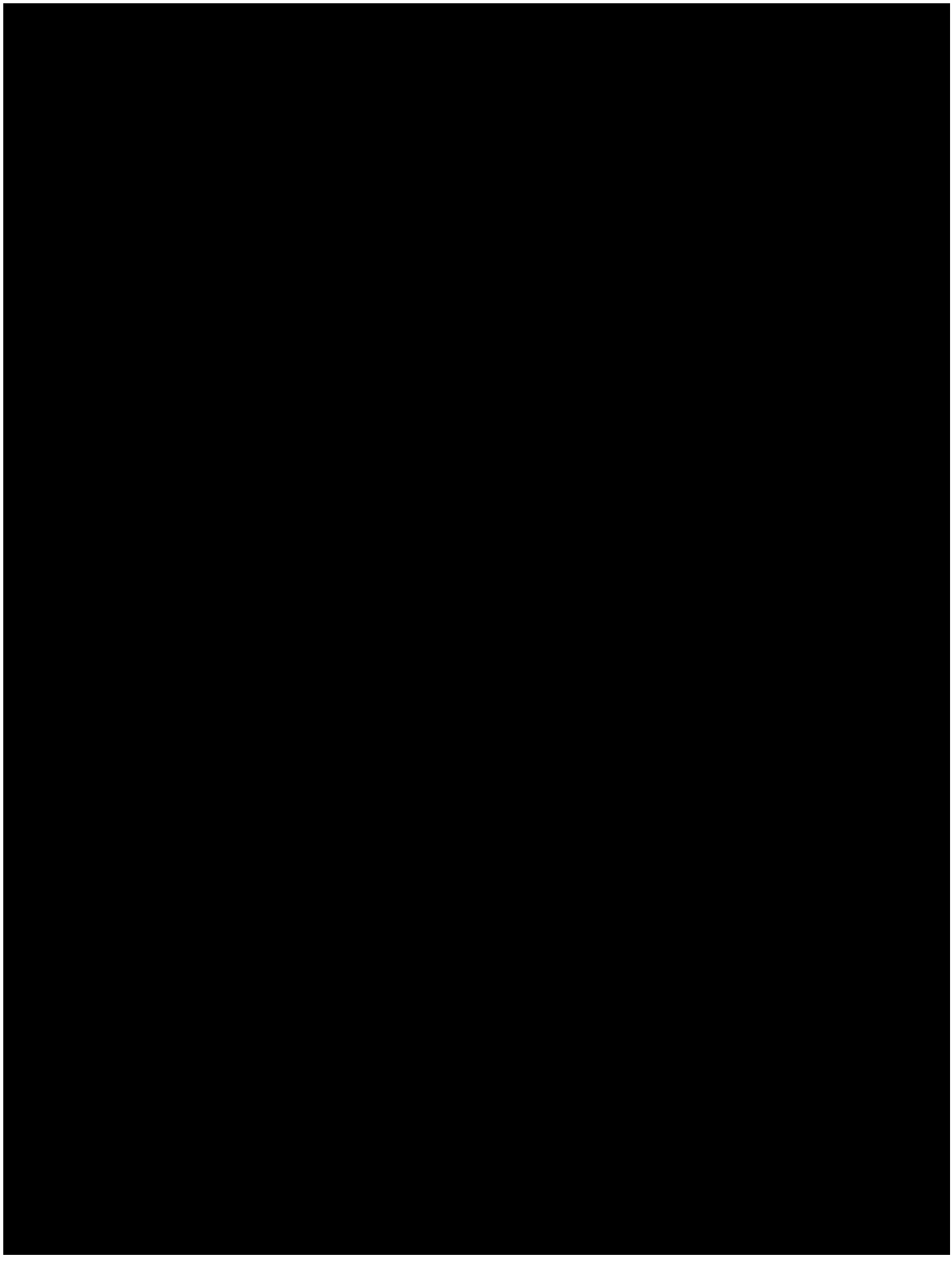


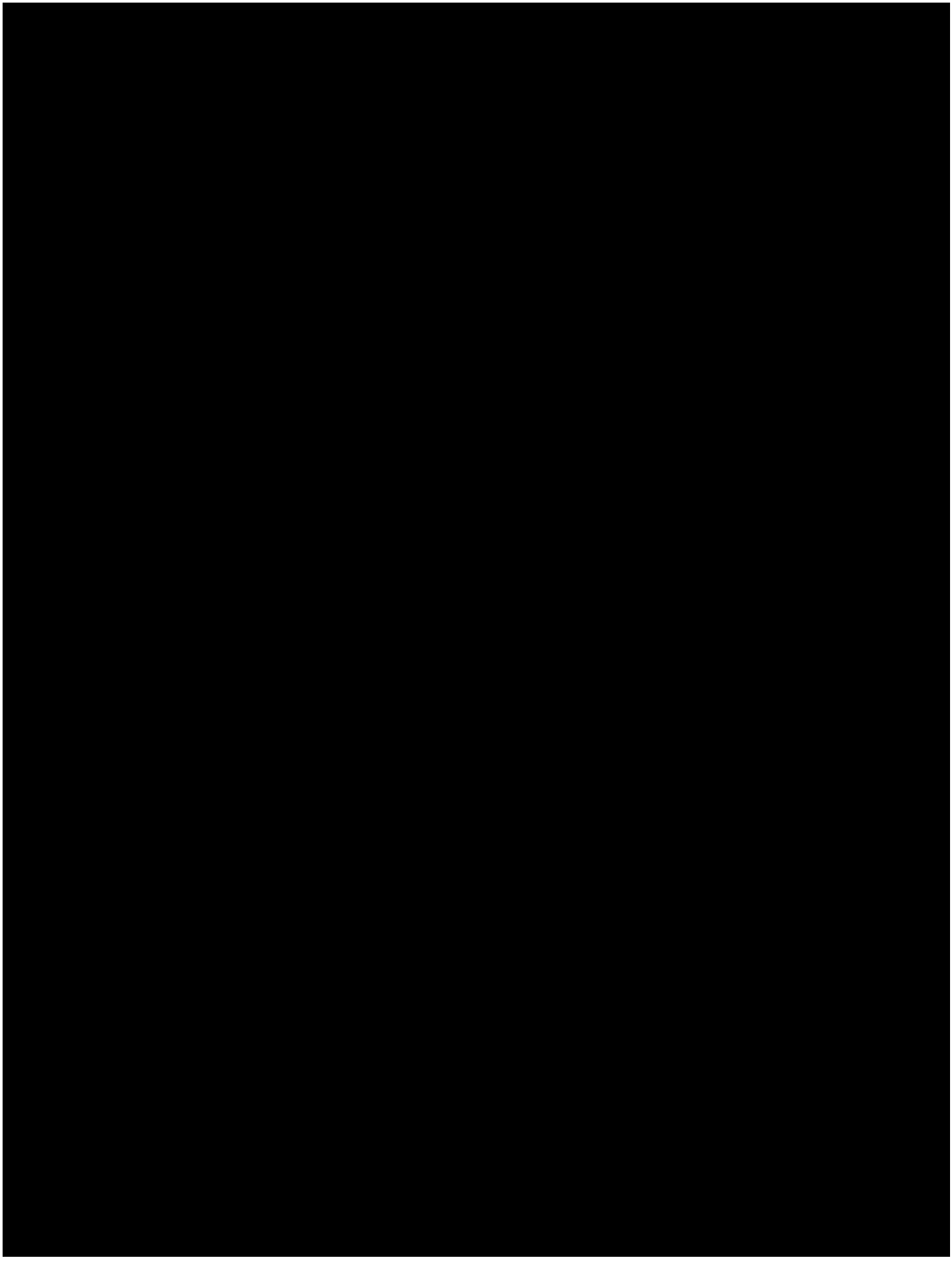


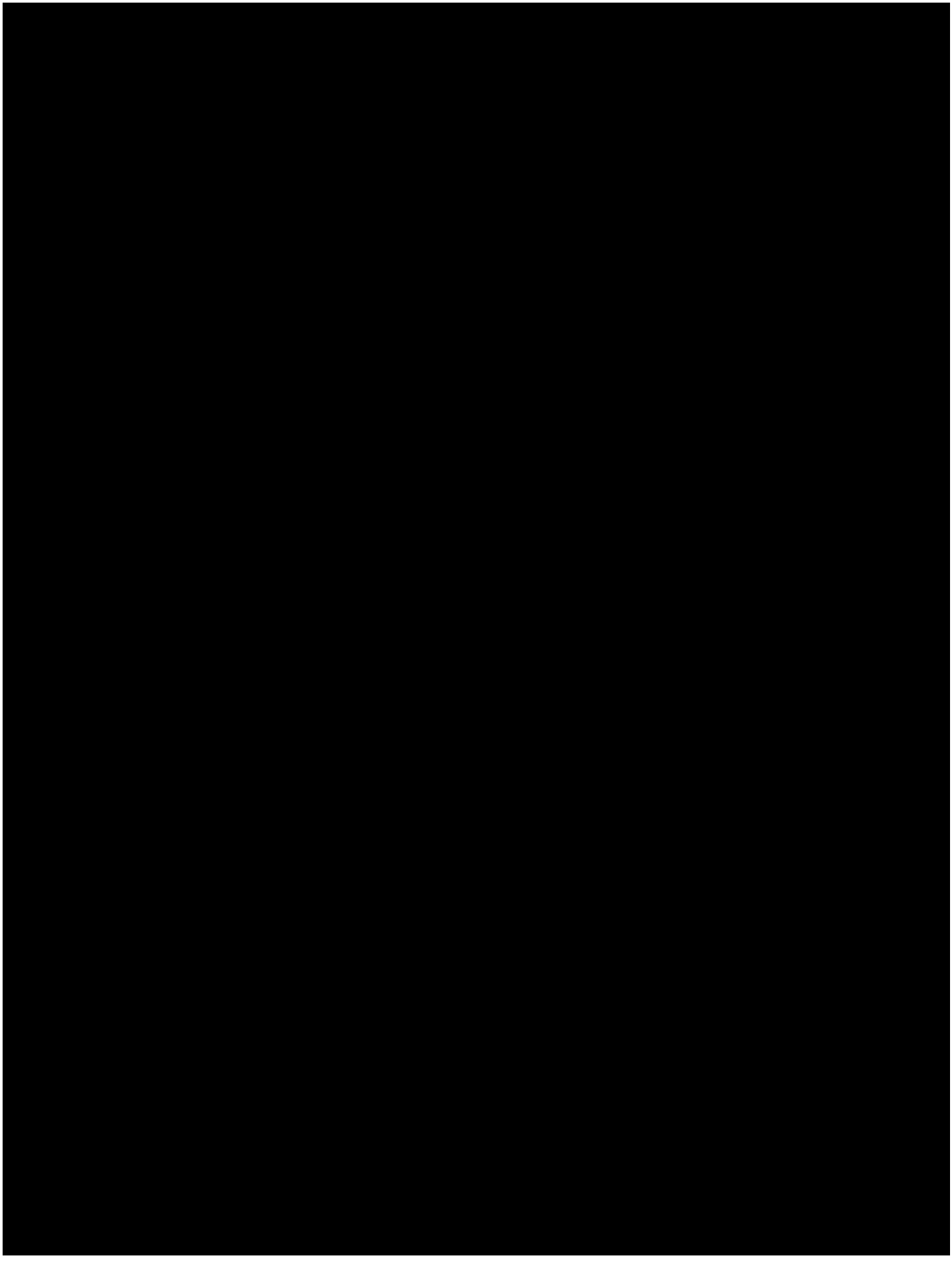


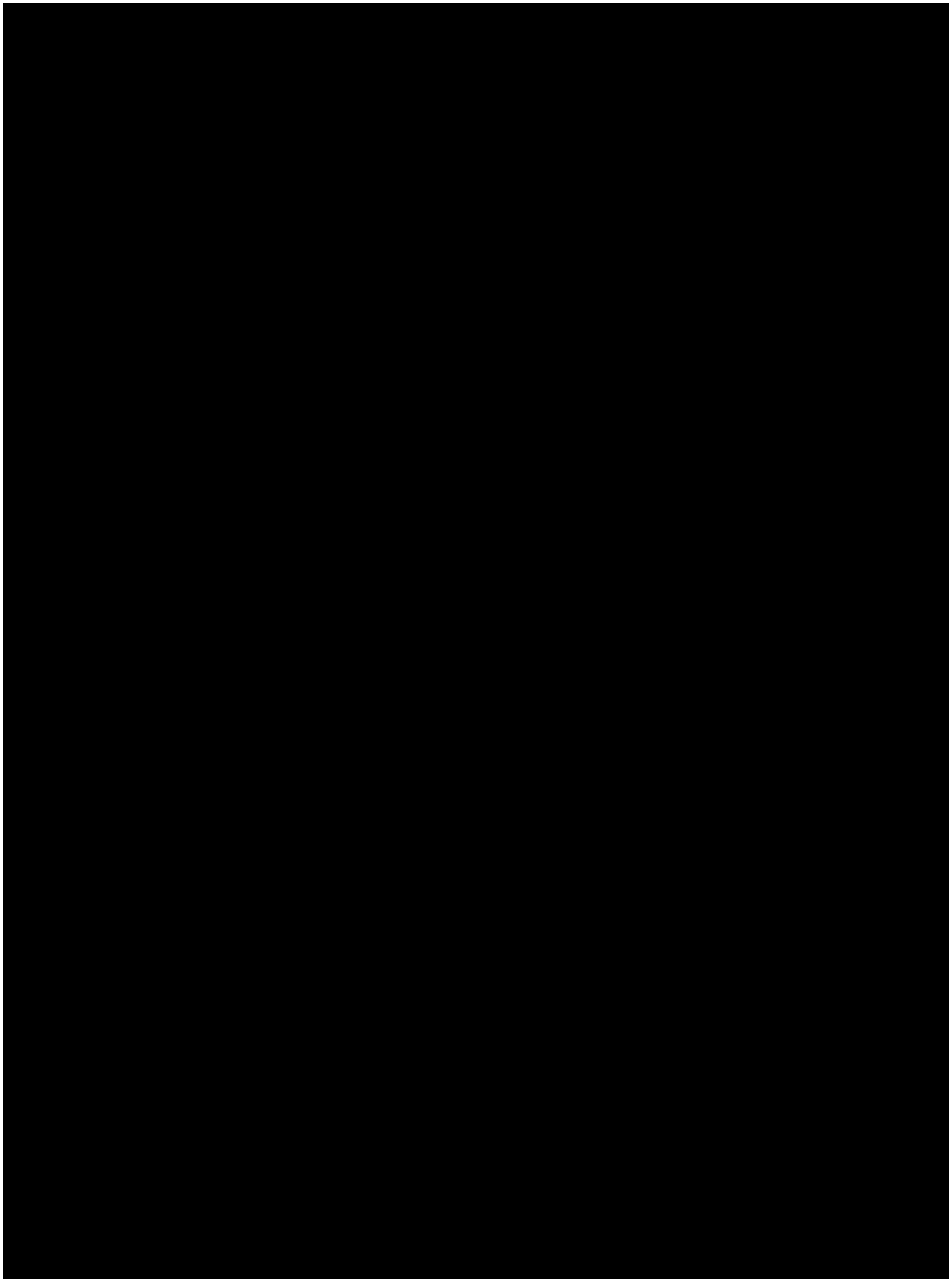












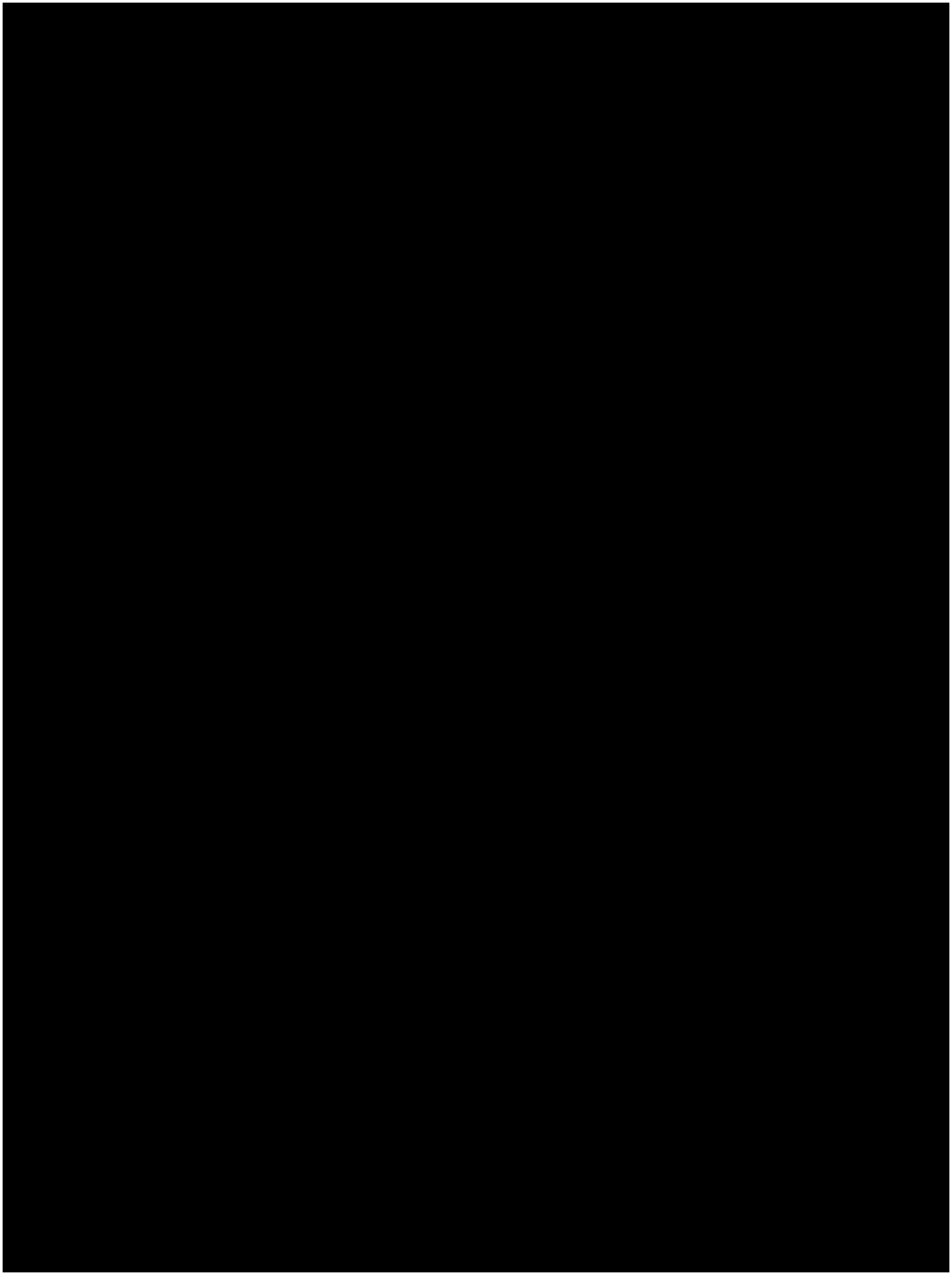


EXHIBIT 12

Scott Silitsky · 3rd

VP Risk & Litigation Management at TK Elevator Corporation

- ThyssenKrupp Elevator Corporation

Pompano Beach, Florida, United States · Contact info

500+ connections

Message More

Activity

1,114 followers

Scott hasn't posted lately

Scott's recent posts and comments will be displayed here.

See all activity

Experience

VP Contracts & Risk Manager

ThyssenKrupp Elevator Corporation

Jun 1997 - Present · 24 yrs 8 mos

Skills

Contract Negotiation · 38

Endorsed by 3 colleagues at TK Elevator

Negotiation · 37

Endorsed by Richard Warren and 3 others who are highly skilled at this

Endorsed by 27 colleagues at TK Elevator

Contract Management · 33

Endorsed by 25 colleagues at TK Elevator

Endorsed by 10 people who know the skill

See all 17 skills

Recommendations

Received Given

Robert L. F. · 2nd
Legal Operations at TK Elevator Corporation
April 2, 2012, Robert L. worked with Scott on the same team

As Assistant General Counsel I have had a close working relationship with Scott in his role as Risk Manager for several years now and can attest to his savvy business sense and dedication to the task at hand, both of which make him a true asset to our organization.

EXHIBIT 13

Daily press, 2021-02-25, 01:00 PM

NEW COMPANY NAME, NEW BRAND: THYSSENKRUPP ELEVATOR NOW CALLED TK ELEVATOR WITH NEW GLOBAL BRAND TKE

- New brand follows the company's successful transformation into a stand-alone entity – underscoring its leading role in next-generation mobility solutions.
- Positioning TKE as a people-centric service brand at the top of the elevator industry.
- Combining decades of the company's success with the new opportunities as forerunner in digital offers.

Essen, February 25, 2021 - TK Elevator, a leading global player in the elevators and escalators market, announces the launch of its new global brand, TKE. The new brand name results from the change in ownership that took place mid of last year.

“The new TKE brand allows the independent company to further expand. It’s a great opportunity to strengthen our market positioning and technology leadership in next-generation mobility services. With the recent integration of our cloud-based digital platform MAX into all kinds of new elevator and escalator systems, we have made a significant step towards digitalization of our products and services. This has established a new quality standard in urban mobility solutions,” says Peter Walker, CEO, TK Elevator. “On the other hand, the brand TKE allows us to consolidate decades of tradition, engineering know-how, and success.”

Designed to work effortlessly across all digital and physical channels, the new brand identity refers to the sunrise’s atmosphere of energy and optimism. The warm, vibrant color palette, the typography, and the logo all signalize motion, positivity, and speed. This creates an ideal environment for representing a certain spirit of empowerment, autonomy, and premium technology excellence. The new TKE brand reflects the company’s commitment to transform people’s lives through smart and seamless mobility solutions.

With operations worldwide and more than 50,000 employees, TK Elevator builds on the successful legacy of thyssenkrupp Elevator with sales of around €8 billion in fiscal year 2019/2020. The most important TK Elevator business line will continue to be the service business which currently maintains around 1.4 million elevator and escalator units with the help of 24,000 service technicians globally.

The TKE product portfolio covers a wide range of products: from commodity elevators for residential and commercial buildings to cutting-edge, highly customized solutions for state-of-the-art skyscrapers – such as One World Trade Center in New York. Besides elevators, its portfolio also covers escalators and moving walks, passenger boarding bridges, stair and platform lifts as well as tailored service solutions for all products – thus covering a broad spectrum of urban mobility.

“Over the last year, TK Elevator has successfully diversified and scaled its service offerings while broadening its global footprint,” says Peter Walker. “Our new brand identity even better reflects our strong legacy of achievement. It also significantly underscores our goal as a people-centric service brand that leads the elevator industry and acts as a forerunner regarding digital solutions.”

PRESS IMAGES

Can be downloaded here (https://elevator.canto.global/b/I3Q29).

ABOUT US

TK Elevator (formerly: thyssenkrupp Elevator)

With customers in over 100 countries served by 50,000 employees, TK Elevator achieved sales of around €8 billion in the fiscal year 2019/2020. Over 1,000 locations around the world provide an extensive network that guarantees closeness to customers. Over the past decades, TK Elevator has established itself as one

of the world’s leading elevator companies and became independent since its sale by thyssenkrupp AG in August 2020. The company’s most important business line is the service business represented by over 24,000 service technicians. The product portfolio covers commodity elevators for residential and commercial buildings to cutting-edge, highly customized solutions for state-of-the-art skyscrapers. In addition, it also consists of escalators and moving walks, passenger boarding bridges, stair and platform lifts. Integrated cloud-based service solutions, such as the MAX platform, are gaining in importance. With these digital offerings, there are no limits to urban mobility anymore. TKE – move beyond.

Print press release

()
()

TK Elevator Press office

TK Elevator

E-Plus-Strasse 1

40472 Düsseldorf

Germany

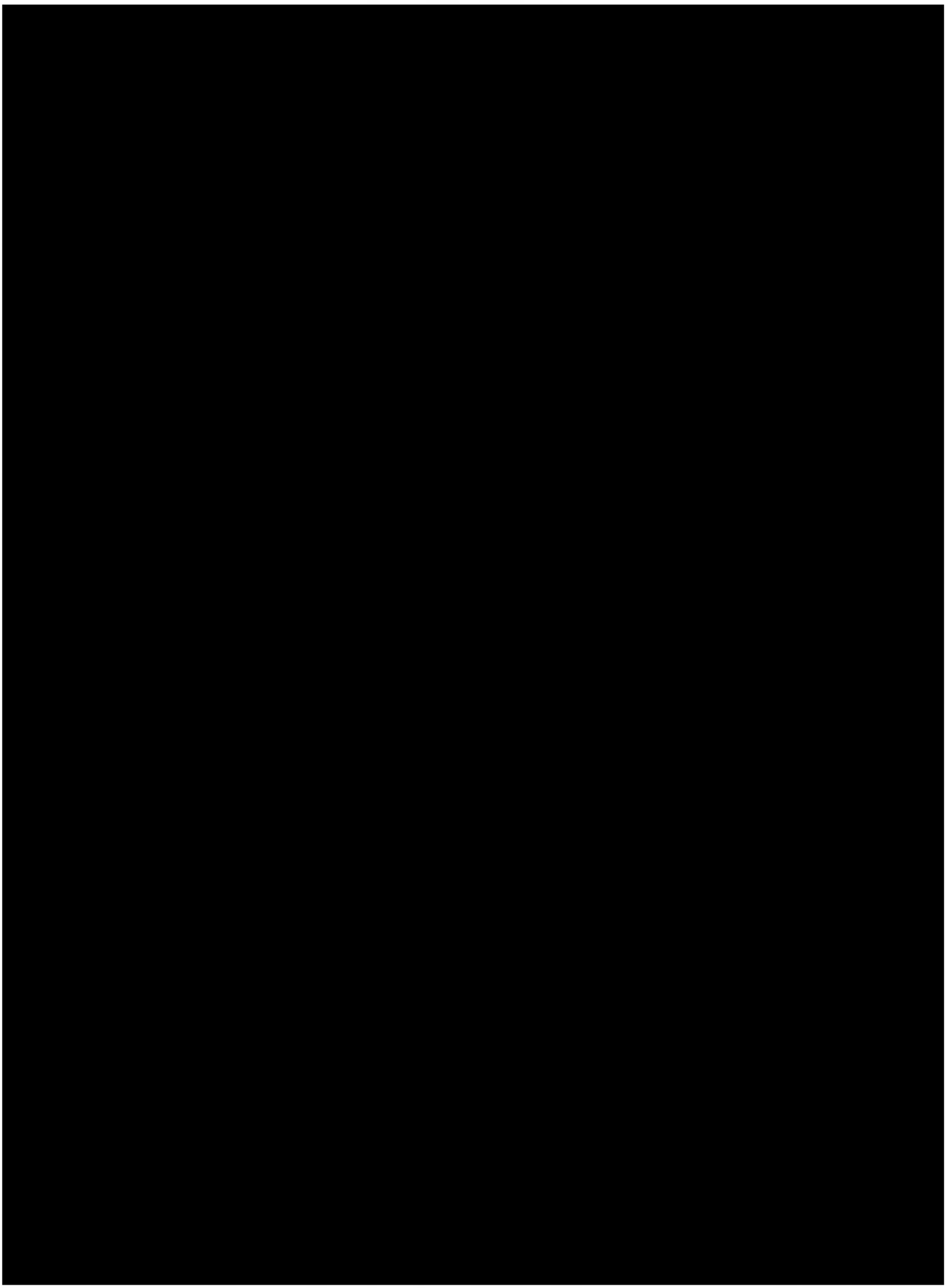
Send email (mailto:press@tkelevator.com)

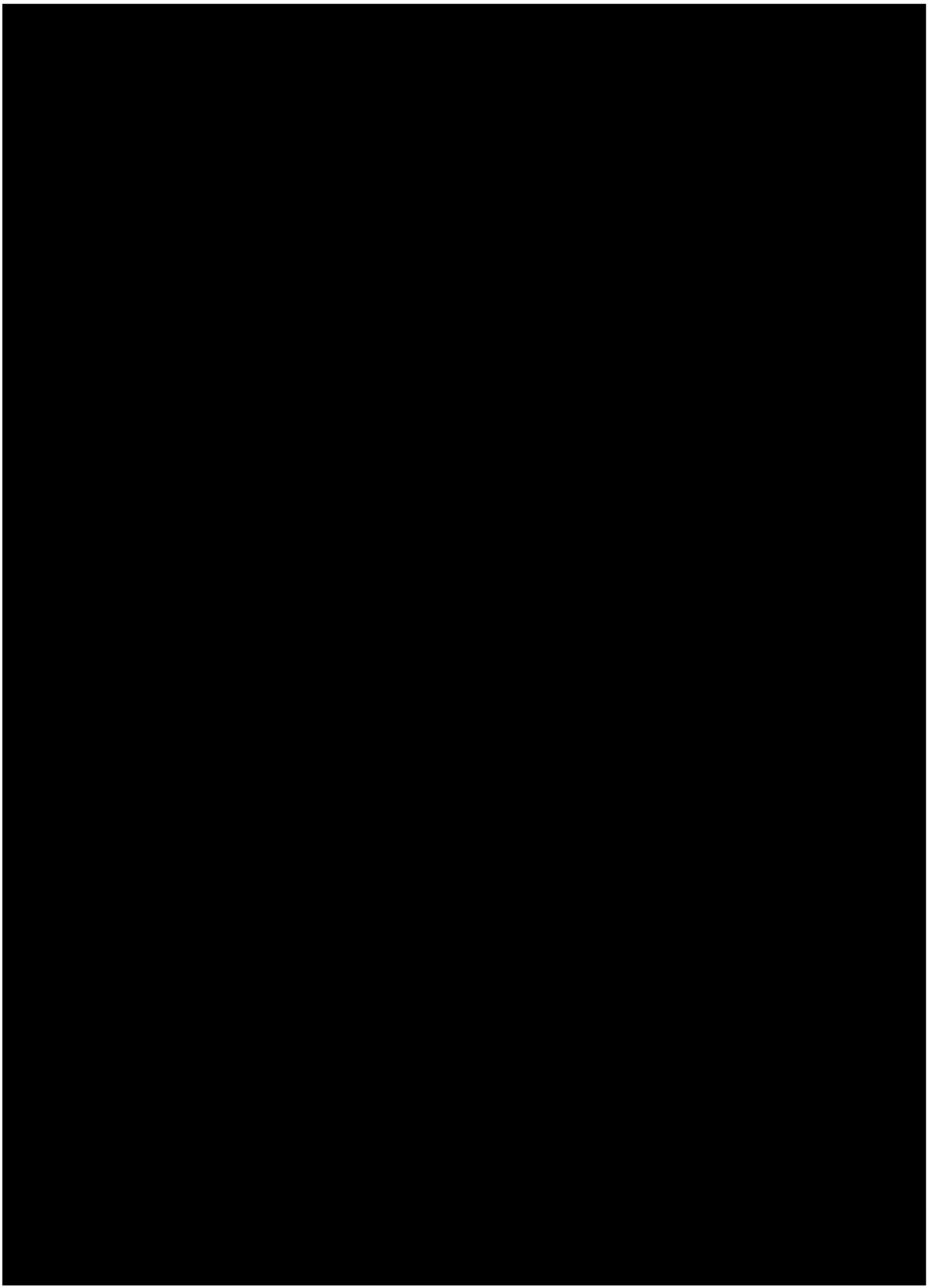
Download

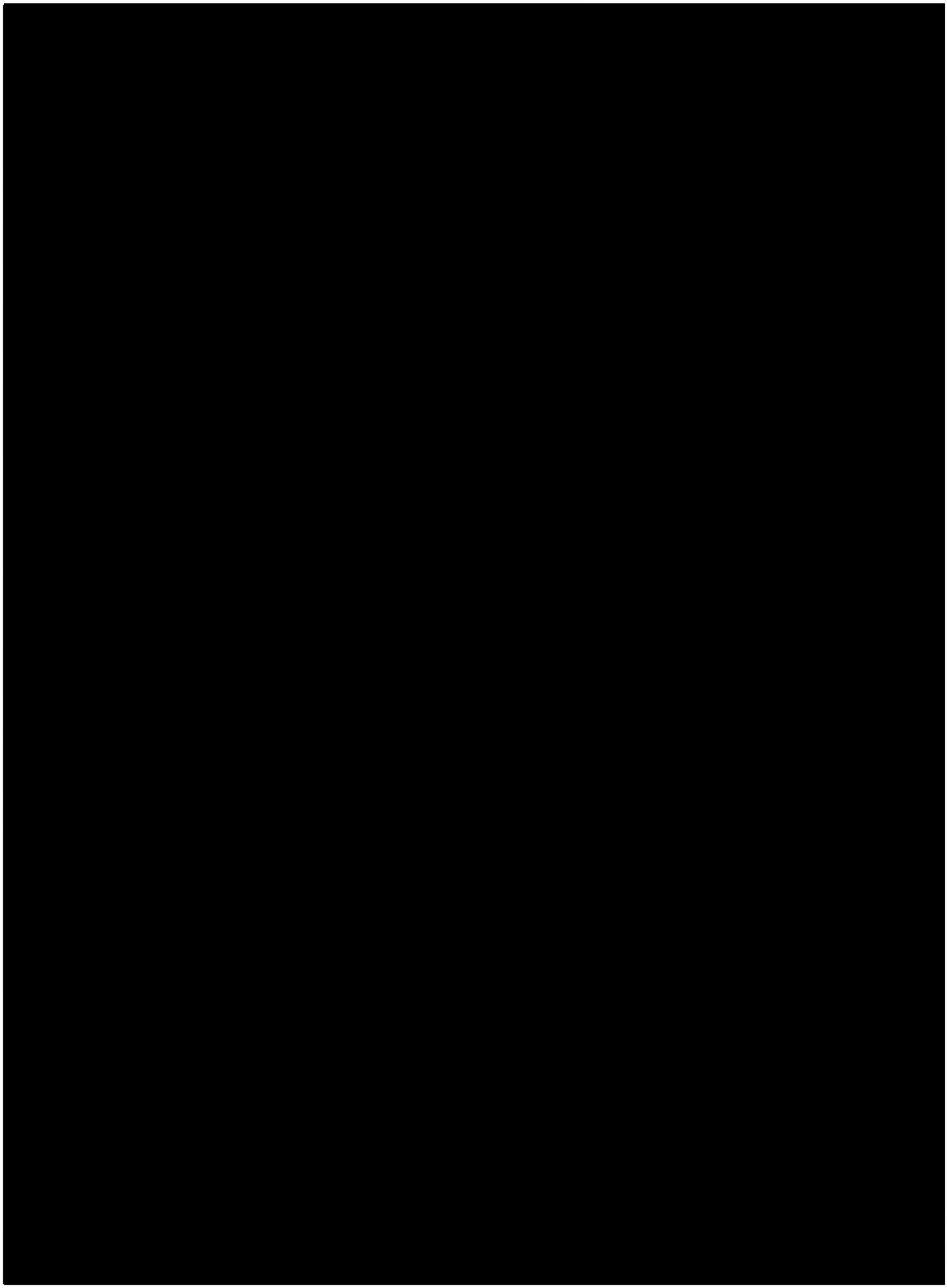
Press kit

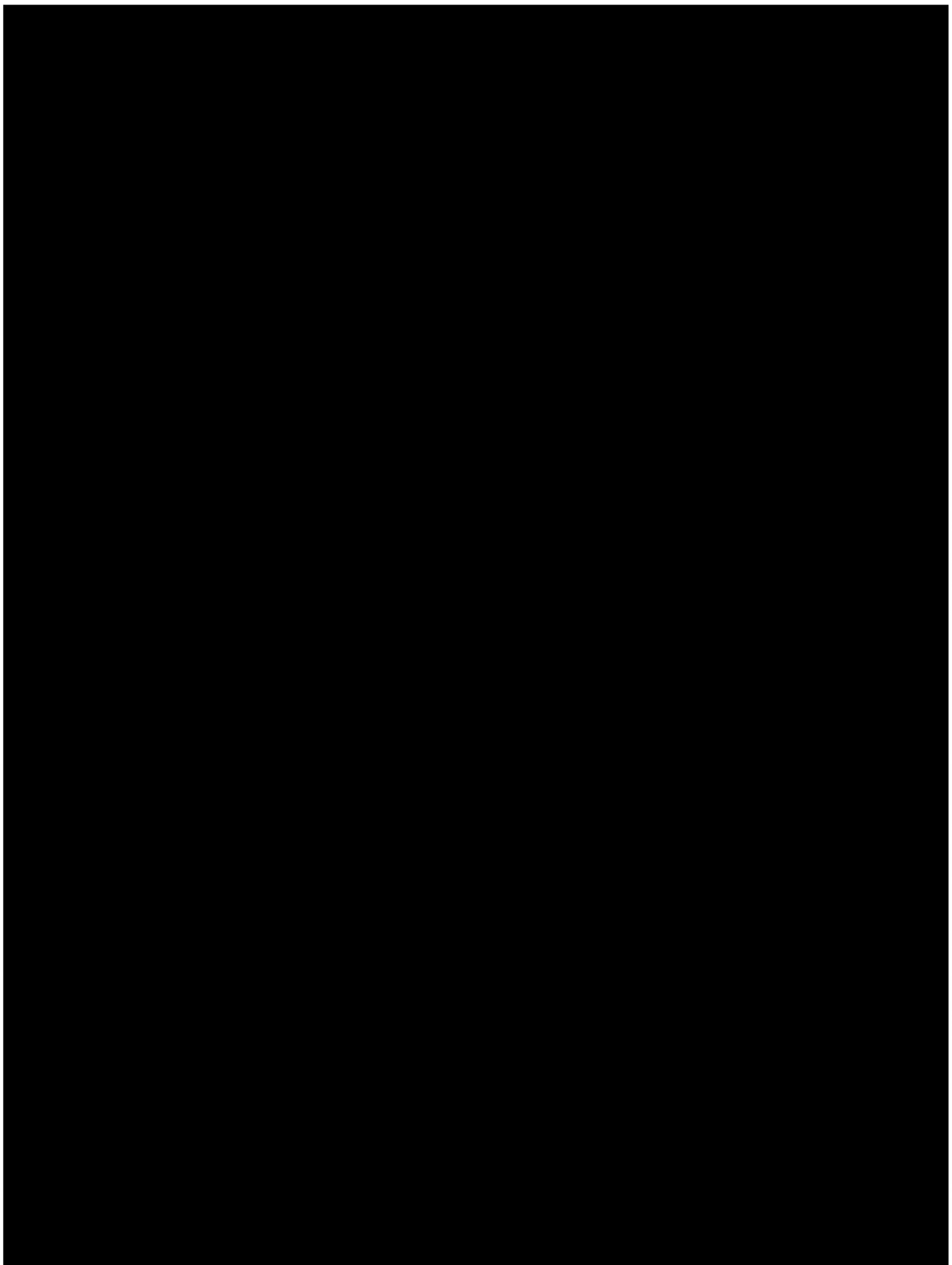
zip
(/media/press_1/press/global/210225_tk_elevator_brand_launch/212502_tk_elevator_brand_launch.zip)

EXHIBIT 14









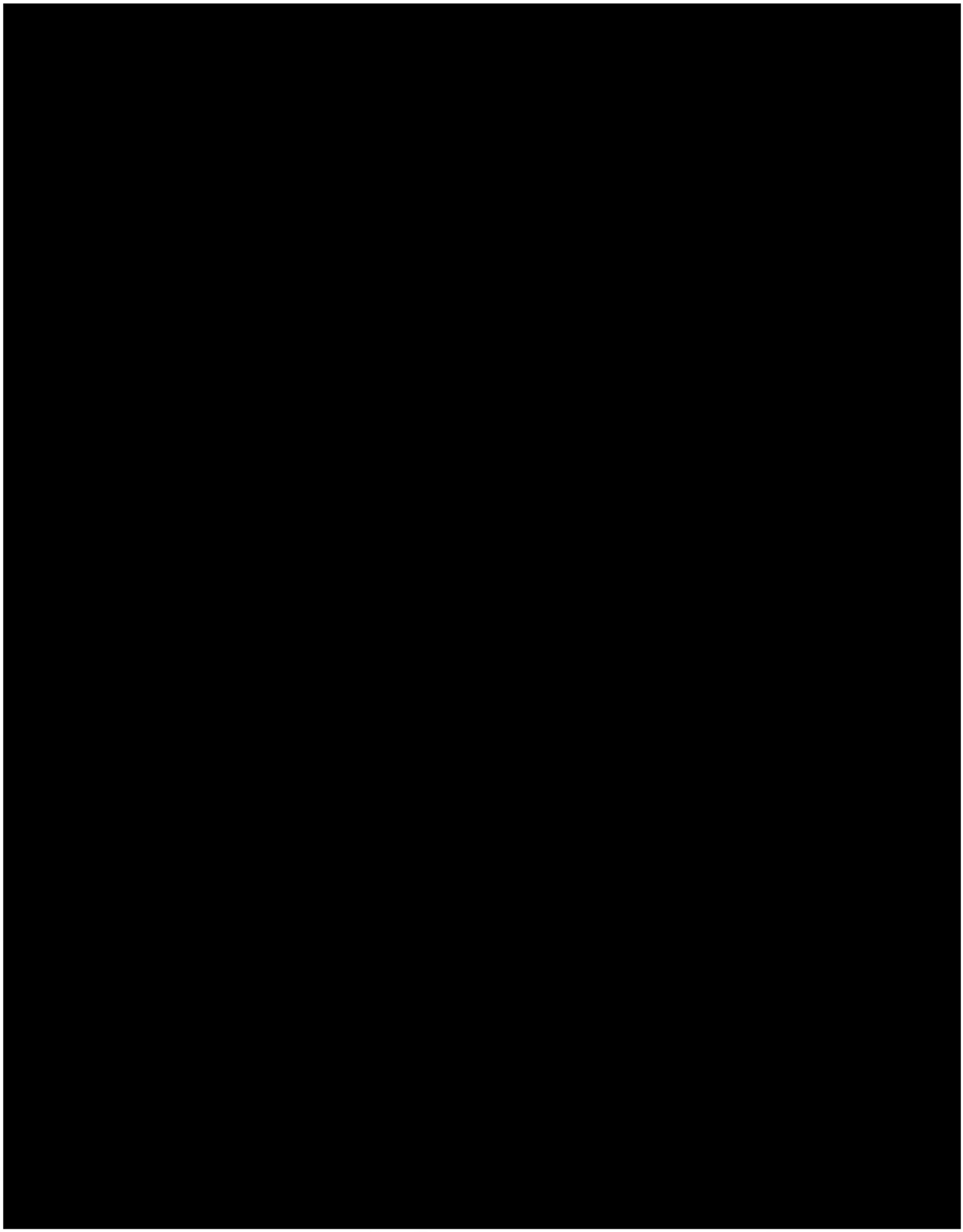


EXHIBIT 15

EXHIBIT 16

STATE OF GEORGIA

Secretary of State

Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

Annual Registration

Electronically Filed
Secretary of State
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BUSINESS INFORMATION

BUSINESS NAME	:	THYSSENKRUPP ELEVATOR CORPORATION
CONTROL NUMBER	:	J550537
BUSINESS TYPE	:	Foreign Profit Corporation
JURISDICTION	:	Delaware
ANNUAL REGISTRATION PERIOD	:	2021

BUSINESS INFORMATION CURRENTLY ON FILE

PRINCIPAL OFFICE ADDRESS	:	11605 Haynes Bridge Rd, Suite 650, Alpharetta, GA, 30009, USA
REGISTERED AGENT NAME	:	CORPORATION SERVICE COMPANY
REGISTERED OFFICE ADDRESS	:	40 TECHNOLOGY PARKWAY SOUTH, SUITE 300, NORCROSS, GA, 30092, USA
REGISTERED OFFICE COUNTY	:	Gwinnett

OFFICER	TITLE	ADDRESS
Eric Scrudders	Secretary	210 North University Drive, Suite 804, Coral Springs, FL, 33071, USA
Steven Wedge	CEO	3100 Interstate North Circle SE, Suite 500, Atlanta, GA, 30339, USA
Steven Wedge	CFO	3100 Interstate North Circle SE, Suite 500, Atlanta, GA, 30339, USA

UPDATES TO ABOVE BUSINESS INFORMATION

PRINCIPAL OFFICE ADDRESS	:	11605 Haynes Bridge Rd, Suite 650, Alpharetta, GA, 30009, USA
REGISTERED AGENT NAME	:	CORPORATION SERVICE COMPANY
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REGISTERED OFFICE COUNTY	:	Gwinnett

OFFICER	TITLE	ADDRESS
Scott J. Silitsky	Secretary	11605 Haynes Bridge Road, Suite 650, Alpharetta, GA, 30009, USA
Kevin Lavallee (President)	CEO	11605 Haynes Bridge Road, Suite 650, Alpharetta, GA, 30009, USA
Steven Wedge	CFO	11605 Haynes Bridge Road, Suite 650, Alpharetta, GA, 30009, USA

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE	:	David Turnage
AUTHORIZER TITLE	:	Officer