

**UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION**

IN THE MATTER OF

LEACHCO, INC.,

Respondent.

CPSC DOCKET NO. 22-1

**DECLARATION OF OLIVER DUNFORD IN SUPPORT OF
LEACHCO, INC.'S MOTION FOR SUMMARY DECISION**

I, OLIVER DUNFORD, hereby declare:

1. I am an attorney for Respondent Leachco, Inc. in the above-captioned matter.
2. Exhibit A to Leachco's Motion for Summary Decision is a true and correct copy of the CPSC's Administrative Complaint in this matter.
3. Exhibit B to Leachco's Motion for Summary Decision is a true and correct copy of Leachco's Answer in this matter.
4. Exhibit C to Leachco's Motion for Summary Decision is a true and correct copy of the June 9, 2023 Declaration of Jamie Leach.
5. Exhibit D to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the transcript of the deposition of Jamie Leach taken March 1, 2023.
6. Exhibit E to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the transcript of the deposition of Clyde Leach taken February 28, 2023.

7. Exhibit F to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the transcript of the deposition of Alex Leach taken February 15, 2023.

8. Exhibit G to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the transcript of the deposition of Mabry Ballard taken January 31, 2023.

9. Exhibit H to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the CPSC's Responses to Leachco's Requests for Admission.

10. Exhibit I to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the CPSC's IDI No. 160519CCC2600.

11. Exhibit J to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the transcript of the deposition of Vivian Baulding taken December 12, 2018.

12. Exhibit K to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the CPSC's IDI No. 200917CCC3888.

13. Exhibit L to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the CPSC's IDI No. 220916HCC1454.

14. Exhibit M to Leachco's Motion for Summary Decision is a true and correct copy of the CPSC's PSA No. 0598.21.

15. Exhibit N to Leachco's Motion for Summary Decision is a true and correct copy of the CPSC's PSA No. 0600.21.

16. Exhibit O to Leachco's Motion for Summary Decision is a true and correct copy of the CPSC's PSA No. 0597.21.

17. Exhibit P to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the transcript of the deposition of Hope Nesteruk taken March 15, 2023.

18. Exhibit Q to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the transcript of the deposition of Zachary Foster taken March 8, 2023.

19. Exhibit R to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the transcript of the deposition of Suad Wannan Nakamura taken March 13, 2023.

20. Exhibit S to Leachco's Motion for Summary Decision is a true and correct copy of an email I sent October 25, 2022.

21. Exhibit T to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the CPSC's Responses to Leachco's First Set of Interrogatories.

22. Exhibit U to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the transcript of the Court's February 24, 2023 hearing.

23. Exhibit V to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the report of Erin Mannen, dated April 28, 2023.

24. Exhibit W to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from report of Umakanth Katwa, dated April 28, 2023.

25. Exhibit X to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the corrected report of Celestine Kish, dated May 2, 2023.

26. Exhibit Y to Leachco's Motion for Summary Decision is a true and correct copy of excerpts from the CPSC's Responses to Leachco's First Set of Requests for the Production of Documents.

27. Exhibit Z to Leachco's Motion for Summary Decision is a true and correct copy of the CPSC's Press Release, titled, "Whether At Home or Traveling for the Holidays CPSC Reminds Parents to Keep Babies' Sleep Safe," released November 10, 2022.

28. Exhibit AA to Leachco's Motion for Summary Decision is a true and correct copy of a webpage from the National Institutes of Health, titled "Safe Sleep Environment for Baby."

29. Exhibit BB to Leachco's Motion for Summary Decision is a true and correct copy of the CPSC's November 2022 Report, titled, "Injuries and Deaths Associated with Nursery Products Among Children Younger than Age Five."

30. Exhibit CC to Leachco's Motion for Summary Decision is a true and correct copy of the Court's September 16, 2022 Order on Prehearing Schedule.

* * *

I declare under penalty of perjury that the foregoing is true and correct. This Declaration was executed this 9th day of June, 2023 in Palm Beach Gardens, Florida.

/s/ Oliver J. Dunford
OLIVER J. DUNFORD

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2023, I served, by electronic mail, the foregoing
was served upon all parties and participants of record in these proceedings:

<p>Honorable Michael G. Young Federal Mine Safety and Health Review Commission Office of the Chief Administrative Law Judge 1331 Pennsylvania Ave., N.W., Suite 520N Washington, D.C. 20004-1710 myoung@fmshrc.gov cjannace@fmshrc.gov</p>	<p>Mary B. Murphy Director, Div. of Enforcement & Litigation U.S. Consumer Product Safety Comm'n 4330 East West Highway Bethesda, MD 20814 mmurphy@cpsc.gov</p> <p>Robert Kaye Assistant Executive Director Office of Compliance and Field Operations U.S. Consumer Product Safety Comm'n 4330 East West Highway Bethesda, MD 20814 rkaye@cpsc.gov</p> <p>Leah Ippolito, Supervisory Attorney Brett Ruff, Trial Attorney Rosalee Thomas, Trial Attorney Caitlin O'Donnell, Trial Attorney Michael Rogal, Trial Attorney Frederick C. Millett, Trial Attorney Gregory M. Reyes, Supervisory Attorney Complaint Counsel Office of Compliance and Field Operations U.S. Consumer Product Safety Comm'n Bethesda, MD 20814 lippolito@cpsc.gov bruff@cpsc.gov rbthomas@cpsc.gov codonnell@cpsc.gov mrogal@cpsc.gov fmillett@cpsc.gov greyes@cpsc.gov</p>
<p>Alberta Mills Secretary of the U.S. Consumer Product Safety Commission U.S. Consumer Product Safety Commission 4330 East West Highway Bethesda, MD 20814 amills@cpsc.gov</p>	

Oliver J. Dunford
Counsel for Respondent Leachco, Inc.