

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of)	
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)	
LEACHCO, INC.)	CPSC DOCKET NO. 22-1
)	
)	Hon. Michael G. Young
)	Presiding Officer
Respondent.)	
)	

COMPLAINT COUNSEL’S MOTION TO COMPEL DEPOSITIONS OR, IN THE ALTERNATIVE, MOTION FOR LEAVE TO TAKE DEPOSITIONS

Pursuant to 16 C.F.R. §§ 1025.23, 1025.31(i), and 1025.36, Complaint Counsel respectfully seeks an order compelling Respondent Leachco, Inc. (“Leachco”) to produce for deposition the following Leachco employees on the following dates. In the alternative, pursuant to 16 C.F.R. §§ 1025.23, 1025.31(i), and 1025.35(a), Complaint Counsel respectfully seeks leave to take the employees’ depositions upon oral examination.

1. Mabry Ballard, Leachco’s Customer Service Supervisor and Executive Assistant to the Vice President, via virtual deposition on January 10, 2023;
2. Tonya Barrett, Leachco’s Compliance Coordinator and Office Manager, via virtual deposition on January 12, 2023;
3. Daniel Marshall, Leachco’s Director of Ecommerce, via virtual deposition on January 24, 2023;
4. Alex Leach, Leachco’s Chief of Operations and Chief Marketing Strategist, via virtual deposition on January 26, 2023;
5. Clyde Leach, Leachco’s President and CEO, in person on February 7, 2023; and

6. Jamie Leach, Leachco's Vice President and Chief of Product Development, in person on February 8, 2023.

Complaint Counsel has requested that Leachco agree to these depositions and collaboratively work with Complaint Counsel to schedule the depositions, but Leachco has refused to do so. Leachco has offered to produce only Jamie Leach for deposition but has not even agreed on a date for her deposition. Complaint Counsel therefore has been forced to seek Court intervention. In light of the impending fact discovery cut-off on March 20, 2023 and because Leachco's refusal to produce witnesses for deposition has stymied Complaint Counsel's ability to acquire testimonial discovery, Complaint Counsel respectfully requests that a ruling on this matter be expedited.

Dated this 21st day of December, 2022

Respectfully submitted,

/s/ Brett Ruff

Gregory M. Reyes, Supervisory Attorney
Brett Ruff, Trial Attorney
Michael J. Rogal, Trial Attorney

Division of Enforcement and Litigation
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
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Complaint Counsel for
U.S. Consumer Product Safety Commission

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CONSUMER PRODUCT SAFETY COMMISSION

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LEACHCO, INC.)	CPSC DOCKET NO. 22-1
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**[PROPOSED] ORDER ON COMPLAINT COUNSEL’S
MOTION TO COMPEL DEPOSITIONS OR, IN THE ALTERNATIVE, MOTION FOR
LEAVE TO TAKE DEPOSITIONS**

This matter, having come before the Presiding Officer on Complaint Counsel’s Motion to Compel Depositions or, in the Alternative, Motion for Leave to Take Depositions, it is hereby ORDERED that the Motion is GRANTED pursuant to 16 C.F.R. §§ 1025.23, 1025.31(i), 1025.35(a), and 1025.36. It shall be further ORDERED that Respondent Leachco, Inc. (“Leachco”) shall make available for deposition the following Leachco employees on the following dates:

1. Mabry Ballard – Virtual deposition on January 10, 2023
2. Tonya Barrett – Virtual deposition on January 12, 2023
3. Daniel Marshall – Virtual deposition on January 24, 2023
4. Alex Leach – Virtual deposition on January 26, 2023
5. Clyde Leach – In-person deposition on February 7, 2023

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6. Jamie Leach – In-person deposition on February 8, 2023

Done and dated _____ 202__

Michael G. Young
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2022, I served Complaint Counsel's Motion to Compel Depositions or, in the Alternative, Motion for Leave to Take Depositions on all parties and participants of record in these proceedings as follows:

By email to the Secretary:

Alberta E. Mills
Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814
Email: AMills@cpsc.gov

By email to the Presiding Officer:

Judge Michael G. Young
Presiding Officer and Administrative Law Judge
Federal Mine Safety and Health Review Commission
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By email to Counsel for Respondent:

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/s/ Brett Ruff

Brett Ruff
Complaint Counsel for
U.S. Consumer Product Safety Commission