

Exhibit 1

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of)

AMAZON.COM, INC.)

Respondent.)

CPSC DOCKET NO.: 21-2

**COMPLAINT COUNSEL’S OBJECTIONS AND RESPONSES
TO RESPONDENT’S FIRST SET OF REQUESTS FOR ADMISSION TO THE
CONSUMER PRODUCT SAFETY COMMISSION**

Pursuant to 16 C.F.R. § 1025.34, Complaint Counsel respectfully submits its objections and responses (“Responses”) to Respondent Amazon.com, Inc.’s (“Respondent’s”) First Set of Requests for Admission to the Consumer Product Safety Commission (“Requests”).

PRELIMINARY STATEMENT

Discovery in this action is ongoing. The specific Responses set forth below are for the purposes of discovery only, and Complaint Counsel neither waives nor intends to waive, and expressly reserves, any and all objections it may have to the relevance, competence, materiality, admission, admissibility, or use at trial of any information, documents, or writings produced, identified, or referred to herein, or to the introduction of any evidence at trial relating to the subjects covered by such Responses.

These Responses are based solely upon information presently known and readily available to Complaint Counsel following a reasonable inquiry for responsive information, as described herein. Complaint Counsel will amend these Responses in accordance with 16 C.F.R. § 1025.31(f), as appropriate. Complaint Counsel expressly reserves the right to rely, at any time including trial, upon subsequently discovered information. Further, the specific Responses

below are based upon Complaint Counsel's interpretation of the language used in the Requests, and Complaint Counsel reserves its right to amend or supplement further its responses in the event Respondent asserts an interpretation that differs from Complaint Counsel's interpretation.

By making these Responses, Complaint Counsel does not concede it is in possession of any information responsive to any particular Request or that any Response given is relevant to this action. Complaint Counsel's failure to object to a particular Request or willingness to provide responsive information pursuant to a Request is not, and shall not be construed, as an admission of the relevance, or admissibility into evidence, of any such information, nor does it constitute a representation that any such information in fact exists.

Upon request by Respondent, Complaint Counsel is willing to meet and confer regarding its Response to any of the Requests.

GENERAL OBJECTIONS

The following General Objections and statements shall be applicable to, and shall be included in, Complaint Counsel's response to each Request, whether or not mentioned expressly in any particular response. Complaint Counsel does not waive any of its General Objections by stating specific objections to any particular Request. Complaint Counsel's Responses are based solely on Complaint Counsel's current knowledge and belief.

1. Complaint Counsel objects to the Requests, including the Definitions and Instructions contained within them, to the extent they impose or seek to impose any requirement or discovery obligation greater than or different from those under the 16 C.F.R. Part 1025 and applicable orders of the Presiding Officer.

2. Complaint Counsel objects to the Requests to the extent they seek disclosure of information protected under the attorney-client privilege, work product doctrine, deliberative

process privilege, or any other applicable privilege or immunity, including the privilege afforded information given to the staff of the Commission on a pledge of confidentiality and/or by other law or rule of procedure, including, but not limited to, the Consumer Product Safety Act, 15 U.S.C. § 2051 *et seq.*, the Privacy Act, 5 U.S.C. § 552a, and other applicable laws and regulations. Should any such disclosure by Complaint Counsel occur, it is inadvertent and shall not constitute a waiver of any privilege or immunity.

3. Complaint Counsel objects to the Requests to the extent they seek information not relevant to the subject matter involved in the proceedings, nor reasonably calculated to lead to the discovery of admissible evidence, including but not limited to, out-of-scope Requests that seek information about settlement negotiations between CPSC staff and representatives of Respondent. Such out-of-scope Requests are not relevant to the Court's analysis of whether the Subject Products distributed by Respondent pose a substantial product hazard under Section 15 of the CPSA, 15 U.S.C. § 2064, or applicable regulations, including 16 C.F.R. Part 1115, and will serve only to delay the proceedings and obfuscate the issue at hand. Complaint Counsel is not waiving any objection as to the relevance of the information provided or the admissibility of that information at any trial, hearing, or other proceeding.

4. Complaint Counsel objects to the Requests to the extent they seek information not live and in dispute in the proceedings following the Court's January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision. The sole remaining issues in dispute and ripe for discovery concern whether the Subject Products present a substantial product hazard, what actions Respondent has taken with respect to the Subject Products, and the remedies sought by Complaint Counsel to remediate the hazards posed by the Subject Products.

5. Complaint Counsel objects to each of the Requests to the extent it seeks an admission as to scientific or other expert opinion.
6. Complaint Counsel objects to each Request to the extent it seeks an admission relating to a legal conclusion.
7. Complaint Counsel objects to each Request to the extent it seeks an admission as to information that is publicly accessible because it is equally convenient for Respondent to obtain such information.
8. Complaint Counsel objects to the Requests to the extent they are misleading and/or improper.
9. Complaint Counsel objects to the Requests to the extent they seek information beyond what is available to Complaint Counsel at present from a reasonable search of its own files and from a reasonable inquiry of its present employees.
10. Complaint Counsel objects to the Requests and accompanying Definitions to the extent they are vague, ambiguous, overly broad, and/or unduly burdensome.
11. Complaint Counsel objects to the Requests to the extent they would require Complaint Counsel to conduct an unreasonable search for responsive information.
12. By identifying a document in response to a Request, Complaint Counsel does not assert that the document is free from information that is privileged, subject to discovery, or relevant. Nor does Complaint Counsel waive its right to withhold any portion of the document that is privileged, immune from discovery, or irrelevant.
13. No objection, limitation, or response (or lack thereof) made herein shall be an admission by Complaint Counsel as to (a) the truth of any of the statements made in the

Requests, or (b) the existence or non-existence of documents or information responsive to the Requests.

Subject to and without waiving the foregoing objections, Complaint Counsel provides the following Responses:

COMPLAINT COUNSEL'S RESPONSES TO REQUESTS

REQUEST NO. 1. Admit that Amazon does not and did not manufacture the **CHILDREN'S SLEEPWEAR GARMENTS**.

RESPONSE TO REQUEST NO. 1:

Complaint Counsel objects to this Request as irrelevant to any issue live and in dispute in the proceedings following the Court's January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision. In addition, Complaint Counsel objects to this Request to the extent that it seeks a legal conclusion. Complaint Counsel also objects to this Request on the grounds that it seeks information from Complaint Counsel about Respondent's own business practices that is readily or more easily accessible to Respondent.

Subject to these qualifications, and without waiving its objections, Complaint Counsel admits that, to the best of its knowledge, Amazon does not and did not manufacture the specific Children's Sleepwear Garments identified in the Complaint.

REQUEST NO. 2. Admit that Amazon does not and did not manufacture the **CO DETECTORS**.

RESPONSE TO REQUEST NO. 2:

Complaint Counsel objects to this Request as irrelevant to any issue live and in dispute in the proceedings following the Court's January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision. In addition, Complaint Counsel objects to this Request to the extent that it seeks a legal conclusion. Complaint Counsel also objects to this Request on the grounds that it

seeks information from Complaint Counsel about Respondent's own business practices that is readily or more easily accessible to Respondent.

Subject to these qualifications, and without waiving its objections, Complaint Counsel admits that, to the best of its knowledge, Amazon does not and did not manufacture the specific Carbon Monoxide Detectors identified in the Complaint.

REQUEST NO. 3. Admit that Amazon does not and did not manufacture the **HAIR DRYERS**.

RESPONSE TO REQUEST NO. 3:

Complaint Counsel objects to this Request as irrelevant to any issue live and in dispute in the proceedings following the Court's January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision. In addition, Complaint Counsel objects to this Request to the extent that it seeks a legal conclusion. Complaint Counsel also objects to this Request on the grounds that it seeks information from Complaint Counsel about Respondent's own business practices that is readily or more easily accessible to Respondent.

Subject to these qualifications, and without waiving its objections, Complaint Counsel admits that, to the best of its knowledge, Amazon does not and did not manufacture the specific Hair Dryers identified in the Complaint.

REQUEST NO. 4. Admit that the **CHILDREN'S SLEEPWEAR GARMENTS** were sold by third-party sellers and not by Amazon.

RESPONSE TO REQUEST NO. 4:

Complaint Counsel objects to this Request as vague and ambiguous in its use of the term "sold" and phrase "third-party sellers." In addition, Complaint Counsel objects to this Request to the extent that it seeks a legal conclusion. Complaint Counsel further objects to this Request as irrelevant to any issue live and in dispute in the proceedings following the Court's January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision.

Subject to these qualifications, and without waiving its objections, Complaint Counsel admits that, to the best of its knowledge, the Children’s Sleepwear Garments were sold on Amazon.com with reference to the entities identified in the Complaint at paragraphs 20 through 28.

REQUEST NO. 5. Admit that the **CO DETECTORS** were sold by third-party sellers and not by Amazon.

RESPONSE TO REQUEST NO. 5:

Complaint Counsel objects to this Request as vague and ambiguous in its use of the term “sold” and phrase “third-party sellers.” In addition, Complaint Counsel objects to this Request to the extent that it seeks a legal conclusion. Complaint Counsel further objects to this Request as irrelevant to any issue live and in dispute in the proceedings following the Court’s January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision.

Subject to these qualifications, and without waiving its objections, Complaint Counsel admits in part that, to the best of its knowledge, the Carbon Monoxide Detectors were sold on Amazon.com with reference to the entities identified in the Complaint at paragraphs 29 through 37. Complaint Counsel denies Request No. 5 to the extent it encompasses the Carbon Monoxide Detectors that were sold through the Amazon Warehouse program.

REQUEST NO. 6. Admit that the **HAIR DRYERS** were sold by third-party sellers and not by Amazon.

RESPONSE TO REQUEST NO. 6:

Complaint Counsel objects to this Request as vague and ambiguous in its use of the term “sold” and phrase “third-party sellers.” In addition, Complaint Counsel objects to this Request to the extent that it seeks a legal conclusion. Complaint Counsel further objects to this Request as irrelevant to any issue live and in dispute in the proceedings following the Court’s January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision.

Subject to these qualifications, and without waiving its objections, Complaint Counsel admits in part that, to the best of its knowledge, the Hair Dryers were sold on Amazon.com with reference to the entities identified in the Complaint at paragraphs 38 through 46. Complaint Counsel denies Request No. 6 to the extent it encompasses the Hair Dryers that were sold through the Amazon Warehouse program.

REQUEST NO. 7. Admit that prior to **YOUR** filing the **COMPLAINT**, Amazon had already removed the **CHILDREN’S SLEEPWEAR GARMENTS** from Amazon.com.

RESPONSE TO REQUEST NO. 7:

Complaint Counsel objects to this Request as vague and ambiguous in its use of the term “removed.” In addition, Complaint Counsel objects to this Request to the extent that it seeks a legal conclusion. Complaint Counsel also objects to this Request on the grounds that it seeks information from Complaint Counsel about Respondent’s own business practices that is readily or more easily accessible to Respondent.

Subject to these qualifications, and without waiving its objections, Complaint Counsel admits Amazon informed the CPSC that the Amazon Standard Identification Number (“ASIN”) listings relating to the Children’s Sleepwear Garments were taken down from Amazon.com on the dates listed in the Complaint at paragraph 28.

REQUEST NO. 8. Admit that prior to **YOUR** filing the **COMPLAINT**, Amazon had already removed the **CO DETECTORS** from Amazon.com.

RESPONSE TO REQUEST NO. 8:

Complaint Counsel objects to this Request as vague and ambiguous in its use of the term “removed.” In addition, Complaint Counsel objects to this Request to the extent that it seeks a legal conclusion. Complaint Counsel also objects to this Request on the grounds that it seeks information from Complaint Counsel about Respondent’s own business practices that is readily or more easily accessible to Respondent.

Subject to these qualifications, and without waiving its objections, Complaint Counsel admits Amazon informed the CPSC that the ASIN listings relating to the Carbon Monoxide Detectors were taken down from Amazon.com on the dates listed in the Complaint at paragraph 37.

REQUEST NO. 9. Admit that prior to **YOUR** filing the **COMPLAINT**, Amazon had already removed the **HAIR DRYERS** from Amazon.com.

RESPONSE TO REQUEST NO. 9:

Complaint Counsel objects to this Request as vague and ambiguous in its use of the term “removed.” In addition, Complaint Counsel objects to this Request to the extent that it seeks a legal conclusion. Complaint Counsel also objects to this Request on the grounds that it seeks information from Complaint Counsel about Respondent’s own business practices that is readily or more easily accessible to Respondent.

Subject to these qualifications, and without waiving its objections, Complaint Counsel admits that Amazon informed the CPSC that the ASIN listings relating to the Hair Dryers were taken down from Amazon.com on the dates listed in the Complaint at paragraph 46.

REQUEST NO. 10. Admit that the CPSA does not authorize **YOU** to prohibit or preclude Amazon from offering an unconditional refund of a consumer product’s purchase price to purchasers, except to the extent that Amazon undertook a voluntary remedial action, as set forth by 16 C.F.R. § 1115.20.

RESPONSE TO REQUEST NO. 10:

Complaint Counsel objects to this Request as overly broad, vague, and ambiguous in its use of the phrase “authorize **YOU** to prohibit or preclude Amazon from offering an unconditional refund of a consumer’s purchase price to purchasers.” In addition, Complaint Counsel objects to this Request on the grounds that it seeks a legal conclusion. Complaint Counsel further objects to this Request as irrelevant to any issue live and in dispute in the

proceedings following the Court's January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision.

Subject to these qualifications, and without waiving its objections, Complaint Counsel denies this Request.

REQUEST NO. 11. Admit that **YOU** have never prohibited or precluded a subject firm (as defined by 16 C.F.R. § 1115.3) from offering an unconditional refund of a consumer product's purchase price to purchasers.

RESPONSE TO REQUEST NO. 11:

Complaint Counsel objects to this Request as overly broad, vague, and ambiguous in its use of the phrase "YOU have never prohibited or precluded a subject firm . . . from offering an unconditional refund of a consumer's purchase price to purchasers." Complaint Counsel further objects to this Request as irrelevant to any issue live and in dispute in the proceedings following the Court's January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision.

Complaint Counsel stands on its objections in response to Request No. 11.

REQUEST NO. 12. Admit that direct notification of a recall to all purchasers of a recalled product is an effective means of publicizing a recall and promoting recall.

RESPONSE TO REQUEST NO. 12:

Complaint Counsel objects to this Request as overly broad, vague, and ambiguous in its use of the term "effective." Complaint Counsel further objects to this Request as irrelevant to any issue live and in dispute in the proceedings following the Court's January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision.

Subject to these qualifications, and without waiving its objections, Complaint Counsel admits that direct notification of a recall to all purchasers can be one part of an acceptable manner of providing notice of a recall to the public depending upon the particulars and adequacy of the notice.

REQUEST NO. 13. Admit that direct notification has proven to be the most effective method of alerting relevant members of the public to recalls.

RESPONSE TO REQUEST NO. 13:

Complaint Counsel objects to this Request as overly broad, vague, and ambiguous in its use of the phrases “most effective method” and “relevant members of the public.” Complaint Counsel further objects to this Request as irrelevant to any issue live and in dispute in the proceedings following the Court’s January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision.

Subject to these qualifications, and without waiving its objections, Complaint Counsel admits that direct notification of a recall can be one part of an acceptable manner of providing notice of a recall to the public depending upon the particulars and adequacy of the notice.

REQUEST NO. 14. Admit that, with respect to CPSC joint recalls, “[t]he average correction rates at the consumer level for all product types is around 6 percent.” Tr. Of Recall Effectiveness Workshop (Early Session), CPSC, July 25, 2017, at 39–40 (statement of Ms. Carol Cave, deputy director, Office of Compliance & Field Operations), https://www.cpsc.gov/s3fs-public/Recall_Effectiveness_Workshop-Transcripts-2018.pdf.

RESPONSE TO REQUEST NO. 14:

Complaint Counsel objects to this Request as irrelevant to any issue live and in dispute in the proceedings following the Court’s January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision. Complaint Counsel further objects to this Request as vague and ambiguous in its selective quotation of text from a 218-page transcript of a CPSC Recall Effectiveness Workshop from 2017.

Subject to these qualifications, and without waiving its objections, Complaint Counsel admits that Respondent has accurately quoted a portion of the transcript, the accuracy of which at the time and in the context in which it was stated Complaint Counsel does not dispute.

REQUEST NO. 15. Admit that **YOU** can send, and have sent, hazard determinations and Notices of Violations to manufacturers, importers, distributors, and retailers domiciled or headquartered outside the United States.

RESPONSE TO REQUEST NO. 15:

Complaint Counsel objects to this Request as overly broad, vague, and ambiguous in its use of the phrase “hazard determinations.” Complaint Counsel further objects to this Request as irrelevant to any issue live and in dispute in the proceedings following the Court’s January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision.

Complaint Counsel stands on its objections in response to Request No. 15.

REQUEST NO. 16. Admit that **YOU** have issued Notices of Violation to third-party sellers of the **SUBJECT PRODUCTS** who are domiciled or headquartered outside the United States.

RESPONSE TO REQUEST NO. 16:

Complaint Counsel objects to this Request as overly broad, vague, and ambiguous in its use of the phrase “third-party sellers.” Complaint Counsel objects to this Request as irrelevant to any issue live and in dispute in the proceedings following the Court’s January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision.

Subject to these qualifications, and without waiving its objections, Complaint Counsel admits that CPSC staff sent Notices of Violation to the listed manufacturers of the Children’s Sleepwear Garments.

REQUEST NO. 17. Admit that **YOU** have never issued a Notice of Violation to a distributor.

RESPONSE TO REQUEST NO. 17:

Complaint Counsel objects to this Request as irrelevant to any issue live and in dispute in the proceedings following the Court’s January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision.

Subject to these qualifications, and without waiving its objections, Complaint Counsel denies this Request.

REQUEST NO. 18. Admit that **YOU** have never negotiated a Corrective Action Plan with, or jointly announced a recall with, a distributor.

RESPONSE TO REQUEST NO. 18:

Complaint Counsel objects to this Request as irrelevant to any issue live and in dispute in the proceedings following the Court’s January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision. In addition, Complaint Counsel objects to this Request as overly broad, vague, and ambiguous in its use of the term “negotiated.”

Complaint Counsel stands on its objections in response to Request No. 18.

REQUEST NO. 19. Admit that **YOU** have adopted no standard, rule, policy, procedure, or guidance outlining the circumstances when a Commission order directing a company to provide notification or further notification of a recall to purchasers, consumers, or users of a product, or to the public, “is required in order to adequately protect the public” under 15 U.S.C. § 2064(c)(1).

RESPONSE TO REQUEST NO. 19:

Complaint Counsel objects to this Request as overly broad, vague, and ambiguous in its use of the phrases “standard, rule, policy, procedure, or guidance” and “outlining the circumstances.” In addition, Complaint Counsel objects to this Request to the extent that it seeks a legal conclusion. Complaint Counsel further objects to this Request as irrelevant to any issue live and in dispute in the proceedings following the Court’s January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision.

Complaint Counsel stands on its objections in response to Request No. 19.

REQUEST NO. 20. Admit that **YOU** have adopted no standard, rule, policy, procedure, or guidance outlining the circumstances when a Commission order directing a company to provide a remedy, or additional remedy, to purchasers, consumers, or users of a product is “in the public interest” within the meaning of 15 U.S.C. § 2064(d)(1).

RESPONSE TO REQUEST NO. 20:

Complaint Counsel objects to this Request as overly broad, vague, and ambiguous in its use of the phrases “standard, rule, policy, procedure, or guidance” and “outlining the circumstances.” In addition, Complaint Counsel objects to this Request to the extent that it seeks a legal conclusion. Complaint Counsel further objects to this Request as irrelevant to any issue live and in dispute in the proceedings following the Court’s January 19, 2022 Order on Motion to Dismiss and Motion for Summary Decision.

Complaint Counsel stands on its objections in response to Request No. 20.

Dated this 21st day of March, 2022

John C. Eustice

John C. Eustice, Senior Trial Attorney
Liana G.T. Wolf, Trial Attorney
Serena Anand, Trial Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2022, a copy of the foregoing was served via email upon the following:

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