

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

In the Matter of Amazon.com, Inc., Respondent.

CPSC Docket No. 21-2

Hon. James E. Grimes
Presiding Officer

[PROPOSED] ORDER

In this proceeding, Complaint Counsel has submitted a Motion for Partial Summary Decision. Respondent Amazon.com, Inc. (“Amazon”) has submitted a Motion to Dismiss or, in the alternative, Cross-Motion for Summary Decision, as well as an Opposition to Complaint Counsel’s Motion for Partial Summary Decision. Upon consideration of the motions and related memoranda, as well the declarations, affidavits, statements of undisputed facts, and oral argument relating thereto, it is hereby:

ORDERED, that Complaint Counsel’s Motion for Partial Summary Decision is DENIED; and further

ORDERED that Amazon’s Motion to Dismiss [or in the alternative: Amazon’s Cross-Motion for Summary Decision] is GRANTED; and further

ORDERED that this Order, along with the accompanying Memorandum Opinion, shall constitute the Initial Decision and Order in accordance with the provisions of 16 C.F.R. §§ 1025.23(d) and 1025.51; and further

ORDERED that Amazon through its Fulfillment by Amazon service, is not, as a matter of law, a “distributor” as set forth in the Consumer Product Safety Act (“CPSA”), as amended, 15 U.S.C. § 2051 *et seq.*; and further

ORDERED that a copy of this Order and accompanying Memorandum Opinion shall be entered on the docket and proceedings before the Presiding Officer are terminated.

Dated: _____

Hon. James E. Grimes
Administrative Law Judge

CERTIFICATE OF SERVICE

Pursuant to the Order Following Prehearing Conference entered by the Presiding Officer on October 19, 2021, I hereby certify that on November 2, 2021, a true and correct copy of the foregoing document was:

- filed by email to the Secretary of the U.S. Consumer Product Safety Commission, Alberta Mills, at amills@cpsc.gov, with a copy to the Presiding Officer at alj@sec.gov and to all counsel of record; and
- served to Complaint Counsel by email at jeustice@cpsc.gov, lwolf@cpsc.gov, and sanand@cpsc.gov.



Sarah L. Wilson