

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

_____)	
In the Matter of)	
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TK ACCESS SOLUTIONS CORP. f/k/a)	CPSC DOCKET NO.: 21-1
THYSSENKRUPP ACCESS CORP.)	
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Respondent.)	
_____)	

RESPONDENT’S NOTICE OF FILING – AFFIDAVITS OF SERVICE

Pursuant to 16 C.F.R. § 1025.38(f), Respondent is filing the executed Affidavits of Service for subpoenas served on Otis Elevator Company, Bella Elevator LLC, Inclinators Company of America, and Savaria Corporation, filed by Respondent with the Presiding Officer on March 4, 2022. The Affidavits of Service and Subpoenas are attached to this Notice as Exhibit A.

Dated: March 25, 2022



Sheila A. Millar (DC Bar 339341)
202-434-4143 (direct dial)
millar@khlaw.com

Eric P. Gotting (MD Bar 9612170350/DC Bar 456406)
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KELLER AND HECKMAN LLP

1001 G Street, N.W.

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QUATTLEBAUM, GROOMS & TULL PLLC

111 Center Street

Suite 1900

Little Rock, AR 72201

(501) 379-1700

ATTORNEYS FOR RESPONDENT,

TK Access Solutions Corp.

Exhibit A

AFFIDAVIT OF PROCESS SERVER

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

In the Matter of Thyssenkrupp Access Corp.

Respondent,

VS.

Attorney: *****

Keller and Heckman LLP
1001 G St., NW, #500 West
Washington DC 20001



276366

Case Number: CPSC Docket No.: 21-1

Legal documents received by Same Day Process Service, Inc. on **03/22/2022** at **11:07 AM** to be served upon **Otis Elevator Company, by serving CT Corporation System at 67 Burnside Ave., East Hartford, CT 06108**

I, **Jason Douglas**, swear and affirm that on **March 22, 2022** at **1:25 PM**, I did the following:

Served **Otis Elevator Company, by serving CT Corporation System** by delivering a conformed copy of the **Order Issuing Subpoena Duces Tecum on Otis Elevator Company; Subpoena Duces Tecum to Gary Scappini as Intake Specialist & Authorized Agent of Otis Elevator Company, by serving CT Corporation System at 67 Burnside Ave., East Hartford, CT 06108.**

Description of Person Accepting Service:

Sex: Male Age: 50-60 Height: 5ft9in-6ft0in Weight: 161-200 lbs Skin Color: Caucasian Hair Color: Gray

Supplemental Data Appropriate to this Service:

I declare under penalty of perjury that the foregoing information contained in this affidavit is true and correct and that I am a professional process server over the age of 18 and have no interest in the above legal matter.

Jason Douglas
Process Server
Same Day Process Service, Inc.
1413 K St., NW, 7th Floor
Washington DC 20005
(202)-398-4200
info@samedayprocess.com

Internal Job
ID:276366



UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

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

TO: OTIS ELEVATOR COMPANY
c/o CT Corporation System
67 Burnside Ave.
East Hartford, CT 06108

OTIS ELEVATOR COMPANY
c/o Judy Marks, CEO and President
One Carrier Place
Farmington, CT 06032

SUBPOENA DUCES TECUM

Complaint Counsel in the above-captioned matter is seeking an Initial Decision and Order determining that components manufactured by Respondent thyssenkrupp Access Corp. (now known as TK Access Solutions Corp.), and used to install various residential elevators through 2012, present a substantial product hazard. In the underlying Complaint, Complaint Counsel seeks a recall and certain relief, including the imposition of notice and repair requirements on Respondent related to an alleged Elevator Hazard associated with residential elevators. Respondent believes the Otis Elevator Company has in its possession, custody, or control information relevant to this matter and, in particular, the nature and scope of the requested relief.

The U.S. Consumer Product Safety Commission (“CPSC”) has authorized the issuance of this Subpoena *duces tecum* in this matter pursuant to Sections 15 and 27(b)(3) & (4) of the

Consumer Product Safety Act, 15 U.S.C. §§ 2064 and 2076(b) (3) & (4), and 16 C.F.R. part 1025.

The Subpoena requires that you produce certain documents as requested below. All documents produced in response to this Subpoena that are marked as confidential will be considered confidential within the meaning of the Protective Order entered on October 12, 2021, by the Presiding Officer in this matter.

I. GENERAL INSTRUCTIONS

A. This Subpoena shall be answered by you.

B. Each document production request seeks production of all documents described herein, and any attachments thereto, in your possession, custody, or control, or in the possession, custody, or control of any of your attorneys, employees, agents, or representatives, and all documents and any attachments that you or any of your attorneys, employees, agents, or representatives have the legal right to obtain, or have the ability to obtain from sources under your or their control.

C. These requests shall be read, interpreted, and answered in accordance with these instructions and the definitions set forth herein, as well as 16 C.F.R. § 1025.38. If the meaning of any word or phrase used herein is unclear, you are requested to contact Respondent's counsel for the purpose of resolving any ambiguity. If any request cannot be answered in full after exercising the required diligence, it shall be answered to the extent possible with a full statement of all efforts to fully answer and of all reasons a full answer cannot be made.

D. Produce each document requested herein in its entirety, without deletion, redaction, or excision.

E. Please provide all responsive Documents, including hardcopy, electronic and e-mail Documents in electronic format on CD or DVD. Document level searchable text, all fielded

data, and metadata should be delivered in a Relativity-compatible load file (DAT and OPT) accompanied by Bates-numbered single page Group IV TIFF images representing each page of production.

F. To the extent that you withheld, based upon a claim of privilege, any information, or documents (including electronic records) that would have been responsive to any information or document production requests contained in the Subpoena, provide the following information: for any document withheld, specify the privilege claimed and the factual basis you contend supports the assertion of the privilege, and identify the document as follows: (a) state the date, nature, and subject matter of the document; (b) identify each author of the document; (c) identify each preparer of the document; (d) identify each person who is an addressee or an intended recipient of the document; (e) identify each person from whom the document was received; (f) state the present location of the document and all copies thereof; (g) identify each person who has, or ever had, possession, custody, or control of the document or any copy thereof; (h) state the number of pages, attachments, appendices, and exhibits; and (i) provide all further information concerning the document and the circumstances upon which the claim of privilege is asserted.

G. In an affidavit accompanying the response to the Subpoena, you must include a statement, signed under oath or affirmation, indicating that a diligent search of all files, records, and databases for responsive information and documents has been made, that the information contained in the responses to the questions is complete and accurate, and that you have produced true copies of all the documents requested in the Subpoena.

H. Your obligation to respond to the Subpoena is a continuing one. As additional information becomes available to you that is responsive to the Subpoena, you must submit that information immediately.

II. DEFINITIONS

For the purposes of the Subpoena the following definitions apply:

A. "Otis" means Otis Elevator Company, with its principal place of business located at One Carrier Place, Farmington, CT, 06032, including any agent, parent, subsidiary, affiliate, successor, or predecessor entity, as well as past and present officers, directors, representatives, agents, and employees of Otis.

B. "Document(s)" shall be interpreted as the term is used in Federal Rule of Civil Procedure 34 and includes electronically stored information.

C. "Elevator Hazard" means the child entrapment hazard posed by the installation of the Elevators.

D. "CAP" refers to the final Corrective Action Plan entered into between Otis and the CPSC related to the "recall" to inspect home elevators announced on December 17, 2020.

E. "MPR" means any monthly progress report filed with the CPSC as part of the "recall" to inspect home elevators announced on December 17, 2020.

F. "Recall" refers to the CPSC's announcement on December 17, 2020 requiring Otis to inspect private residential elevators due to an alleged Elevator Hazard. *See [Otis Elevator Company Recalls to Inspect Private Residence Elevators Due to Entrapment Hazard; Risk of Serious Injury or Death to Young Children | CPSC.gov](#)* (CPSC Recall No. 21-056).

III. SUBPOENA DUCES TECUM

You are ordered to produce and permit inspection of the following documents and things in your possession, custody, or control at the offices of Keller and Heckman, LLP, 1001 G St. NW, Washington, DC 20037 c/o Sheila A. Millar or through some other mutually convenient means within thirty days of service hereof.

1. The final CAP as approved by the CPSC.
2. Copies of all MPRs submitted to the CPSC related to the “recall to inspect” home elevators announced on December 17, 2020 (CPSC Recall No. 21-056).
3. A copy of any closing letter issued by the CPSC related to the recall and any additional communications between Otis and CPSC in response to or following up on any such closing letter by CPSC.

BY ORDER OF THE COMMISSION

The undersigned, an authorized official of the U.S. Consumer Product Safety Commission, has hereto set her hand and caused the seal of the Commission to be affixed at Bethesda, MD, this 18th day of March, 2022

Alberta Mills

Alberta E. Mills
Secretary
U.S. Consumer Product Safety Commission

AFFIDAVIT OF PROCESS SERVER

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

In the Matter of Thyssenkrupp Access Corp.

Respondent,

VS.

Attorney: *****

Keller and Heckman LLP
1001 G St., NW, #500 West
Washington DC 20001



276368

Case Number: CPSC Docket No.: 21-1

Legal documents received by Same Day Process Service, Inc. on **03/22/2022** at **11:10 AM** to be served upon **Bella Elevator, LLC at Miles & Stockbridge, P.C., 100 Light St., Baltimore, MD 21202**

I, **Rodney Getlan**, swear and affirm that on **March 22, 2022** at **3:51 PM**, I did the following:

Served **Bella Elevator, LLC** by delivering a conformed copy of the **Order Issuing Subpoena Duces Tecum on Bella Elevator, LLC; Subpoena Duces Tecum to Melissa Strickland as Legal Admin. & Authorized Agent of Bella Elevator, LLC at Miles & Stockbridge, P.C., 100 Light St., Baltimore, MD 21202.**

Description of Person Accepting Service:

Sex: Female Age: 38 Height: 5ft4in-5ft8in Weight: 100-130 lbs Skin Color: Caucasian Hair Color: Brown

Supplemental Data Appropriate to this Service:

I declare under penalty of perjury that the foregoing information contained in this affidavit is true and correct and that I am a professional process server over the age of 18 and have no interest in the above legal matter.

Rodney Getlan
Process Server
Same Day Process Service, Inc.
1413 K St., NW, 7th Floor
Washington DC 20005
(202)-398-4200
info@samedayprocess.com

Internal Job
ID:276368



UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

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

TO: BELLA ELEVATOR, LLC
c/o Dwight Stone
Miles & Stockbridge PC
100 Light Street
Baltimore, MD 21202

SUBPOENA DUCES TECUM

Complaint Counsel in the above-captioned matter is seeking an Initial Decision and Order determining that components manufactured by Respondent thyssenkrupp Access Corp. (now known as TK Access Solutions Corp.), and used to install various residential elevators through 2012, present a substantial product hazard. In the underlying Complaint, Complaint Counsel seeks a recall and certain relief, including the imposition of notice and repair requirements on Respondent related to an alleged Elevator Hazard associated with residential elevators. Respondent believes Bella Elevator LLC has in its possession, custody, or control information relevant to this matter and, in particular, the nature and scope of the requested relief.

The U.S. Consumer Product Safety Commission (“CPSC”) has authorized the issuance of this Subpoena *duces tecum* in this matter pursuant to Sections 15 and 27(b)(3) & (4) of the Consumer Product Safety Act, 15 U.S.C. §§ 2064 and 2076(b) (3) & (4), and 16 C.F.R. part 1025. **The Subpoena requires that you produce certain documents as requested below. All**

documents produced in response to this Subpoena that are marked as confidential will be considered confidential within the meaning of the Protective Order entered on October 12, 2021, by the Presiding Officer in this matter.

I. GENERAL INSTRUCTIONS

A. This Subpoena shall be answered by you.

B. Each document production request seeks production of all documents described herein, and any attachments thereto, in your possession, custody, or control, or in the possession, custody, or control of any of your attorneys, employees, agents, or representatives, and all documents and any attachments that you or any of your attorneys, employees, agents, or representatives have the legal right to obtain, or have the ability to obtain from sources under your or their control.

C. These requests shall be read, interpreted, and answered in accordance with these instructions and the definitions set forth herein, as well as 16 C.F.R. § 1025.38. If the meaning of any word or phrase used herein is unclear, you are requested to contact Respondent's counsel for the purpose of resolving any ambiguity. If any request cannot be answered in full after exercising the required diligence, it shall be answered to the extent possible with a full statement of all efforts to fully answer and of all reasons a full answer cannot be made.

D. Produce each document requested herein in its entirety, without deletion, redaction, or excision.

E. Please provide all responsive Documents, including hardcopy, electronic and e-mail Documents in electronic format on CD or DVD. Document level searchable text, all fielded data, and metadata should be delivered in a Relativity-compatible load file (DAT and OPT)

accompanied by Bates-numbered single page Group IV TIFF images representing each page of production.

F. To the extent that you withheld, based upon a claim of privilege, any information, or documents (including electronic records) that would have been responsive to any information or document production requests contained in the Subpoena, provide the following information: for any document withheld, specify the privilege claimed and the factual basis you contend supports the assertion of the privilege, and identify the document as follows: (a) state the date, nature, and subject matter of the document; (b) identify each author of the document; (c) identify each preparer of the document; (d) identify each person who is an addressee or an intended recipient of the document; (e) identify each person from whom the document was received; (f) state the present location of the document and all copies thereof; (g) identify each person who has, or ever had, possession, custody, or control of the document or any copy thereof; (h) state the number of pages, attachments, appendices, and exhibits; and (i) provide all further information concerning the document and the circumstances upon which the claim of privilege is asserted.

G. In an affidavit accompanying the response to the Subpoena, you must include a statement, signed under oath or affirmation, indicating that a diligent search of all files, records, and databases for responsive information and documents has been made, that the information contained in the responses to the questions is complete and accurate, and that you have produced true copies of all the documents requested in the Subpoena.

H. Your obligation to respond to the Subpoena is a continuing one. As additional information becomes available to you that is responsive to the Subpoena, you must submit that information immediately.

II. DEFINITIONS

For the purposes of the Subpoena the following definitions apply:

A. "Bella" means Bella Elevator, LLC, with its principal place of business located at 10000 N. Galena Road, Peoria, IL 61615, including any agent, parent, subsidiary, affiliate, successor, or predecessor entity, as well as past and present officers, directors, representatives, agents, and employees of Bella.

B. "Document(s)" shall be interpreted as the term is used in Federal Rule of Civil Procedure 34 and includes electronically stored information.

C. "Elevator Hazard" means the child entrapment hazard posed by the installation of the Elevators.

D. "CAP" refers to the final Corrective Action Plan entered into between Bella and the CPSC related to the "recall" to inspect home elevators announced on January 11, 2022.

E. "MPR" means any monthly progress report filed with the CPSC as part of the "recall" to inspect home elevators announced on January 11, 2022.

F. "Recall" refers to the CPSC's announcement on January 11, 2022, requiring Bella to inspect private residential elevators due to an alleged Elevator Hazard. See [Bella Elevator Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children | CPSC.gov](#) (CPSC Recall No. 22-045).

III. SUBPOENA DUCES TECUM

You are ordered to produce and permit inspection of the following documents and things in your possession, custody, or control at the offices of Keller and Heckman, LLP, 1001 G St. NW, Washington, DC 20037 c/o Sheila A. Millar or through some other mutually convenient means within thirty days of service hereof.

1. The final CAP as approved by the CPSC.
2. Copies of all MPRs submitted to the CPSC related to the “recall to inspect” home elevators announced on January 11, 2022 (CPSC Recall No. 22-045).
3. A copy of any closing letter issued by the CPSC related to the recall and any additional communications between Bella and CPSC in response to or following up on any such closing letter by CPSC.

BY ORDER OF THE COMMISSION

The undersigned, an authorized official of the U.S. Consumer Product Safety Commission, has hereto set her hand and caused the seal of the Commission to be affixed at Bethesda, MD, this 18th day of March, 2022

Alberta Mills

Alberta E. Mills
Secretary
U.S. Consumer Product Safety Commission

AFFIDAVIT OF PROCESS SERVER

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

In the Matter of Thyssenkrupp Access Corp.

Respondent,

vs.

Attorney: *****

Keller and Heckman LLP
1001 G St., NW, #500 West
Washington DC 20001



276369

Case Number: CPSC Docket No.: 21-1

Legal documents received by Same Day Process Service, Inc. on **03/22/2022** at **11:13 AM** to be served upon **Inclinator Company of America at Miles & Stockbridge, P.C., 100 Light St., Baltimore, MD 21202**

I, **Rodney Getlan**, swear and affirm that on **March 22, 2022** at **3:51 PM**, I did the following:

Served **Inclinator Company of America** by delivering a conformed copy of the **Order Issuing Subpoena Duces Tecum on Inclinator Company of America; Subpoena Duces Tecum to Melissa Strickland as Legal Admin. & Authorized Agent of Inclinator Company of America at Miles & Stockbridge, P.C., 100 Light St. , Baltimore, MD 21202.**

Description of Person Accepting Service:

Sex: Female Age: 38 Height: 5ft4in-5ft8in Weight: 100-130 lbs Skin Color: Caucasian Hair Color: Brown

Supplemental Data Appropriate to this Service:

I declare under penalty of perjury that the foregoing information contained in this affidavit is true and correct and that I am a professional process server over the age of 18 and have no interest in the above legal matter.

Rodney Getlan
Process Server
Same Day Process Service, Inc.
1413 K St., NW, 7th Floor
Washington DC 20005
(202)-398-4200
info@samedayprocess.com

Internal Job
ID:276369



UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

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

TO: INCLINATOR COMPANY OF AMERICA INC.
c/o Dwight Stone
Miles & Stockbridge PC
100 Light Street
Baltimore, MD 21202

SUBPOENA DUCES TECUM

Complaint Counsel in the above-captioned matter is seeking an Initial Decision and Order determining that components manufactured by Respondent thyssenkrupp Access Corp. (now known as TK Access Solutions Corp.), and used to install various residential elevators through 2012, present a substantial product hazard. In the underlying Complaint, Complaint Counsel seeks a recall and certain relief, including the imposition of notice and repair requirements on Respondent related to an alleged Elevator Hazard associated with residential elevators. Respondent believes Inclinator Company of America Inc. has in its possession, custody, or control information relevant to this matter and, in particular, the nature and scope of the requested relief.

The U.S. Consumer Product Safety Commission (“CPSC”) has authorized the issuance of this Subpoena *duces tecum* in this matter pursuant to Sections 15 and 27(b)(3) & (4) of the Consumer Product Safety Act, 15 U.S.C. §§ 2064 and 2076(b) (3) & (4), and 16 C.F.R. part 1025. **The Subpoena requires that you produce certain documents as requested below. All**

documents produced in response to this Subpoena that are marked as confidential will be considered confidential within the meaning of the Protective Order entered on October 12, 2021, by the Presiding Officer in this matter.

I. GENERAL INSTRUCTIONS

A. This Subpoena shall be answered by you.

B. Each document production request seeks production of all documents described herein, and any attachments thereto, in your possession, custody, or control, or in the possession, custody, or control of any of your attorneys, employees, agents, or representatives, and all documents and any attachments that you or any of your attorneys, employees, agents, or representatives have the legal right to obtain, or have the ability to obtain from sources under your or their control.

C. These requests shall be read, interpreted, and answered in accordance with these instructions and the definitions set forth herein, as well as 16 C.F.R. § 1025.38. If the meaning of any word or phrase used herein is unclear, you are requested to contact Respondent's counsel for the purpose of resolving any ambiguity. If any request cannot be answered in full after exercising the required diligence, it shall be answered to the extent possible with a full statement of all efforts to fully answer and of all reasons a full answer cannot be made.

D. Produce each document requested herein in its entirety, without deletion, redaction, or excision.

E. Please provide all responsive Documents, including hardcopy, electronic and e-mail Documents in electronic format on CD or DVD. Document level searchable text, all fielded data, and metadata should be delivered in a Relativity-compatible load file (DAT and OPT)

accompanied by Bates-numbered single page Group IV TIFF images representing each page of production.

F. To the extent that you withheld, based upon a claim of privilege, any information, or documents (including electronic records) that would have been responsive to any information or document production requests contained in the Subpoena, provide the following information: for any document withheld, specify the privilege claimed and the factual basis you contend supports the assertion of the privilege, and identify the document as follows: (a) state the date, nature, and subject matter of the document; (b) identify each author of the document; (c) identify each preparer of the document; (d) identify each person who is an addressee or an intended recipient of the document; (e) identify each person from whom the document was received; (f) state the present location of the document and all copies thereof; (g) identify each person who has, or ever had, possession, custody, or control of the document or any copy thereof; (h) state the number of pages, attachments, appendices, and exhibits; and (i) provide all further information concerning the document and the circumstances upon which the claim of privilege is asserted.

G. In an affidavit accompanying the response to the Subpoena, you must include a statement, signed under oath or affirmation, indicating that a diligent search of all files, records, and databases for responsive information and documents has been made, that the information contained in the responses to the questions is complete and accurate, and that you have produced true copies of all the documents requested in the Subpoena.

H. Your obligation to respond to the Subpoena is a continuing one. As additional information becomes available to you that is responsive to the Subpoena, you must submit that information immediately.

II. DEFINITIONS

For the purposes of the Subpoena the following definitions apply:

A. "Inclinor" means Inclinor Company of America Inc., with its principal place of business located at 601 Gibson Blvd, Harrisburg, PA 17104, including any agent, parent, subsidiary, affiliate, successor, or predecessor entity, as well as past and present officers, directors, representatives, agents, and employees of Inclinor.

B. "Document(s)" shall be interpreted as the term is used in Federal Rule of Civil Procedure 34 and includes electronically stored information.

C. "Elevator Hazard" means the child entrapment hazard posed by the installation of the Elevators.

D. "CAP" refers to the final Corrective Action Plan entered into between Inclinor and the CPSC related to the "recall" to inspect home elevators announced on January 11, 2022.

E. "MPR" means any monthly progress report filed with the CPSC as part of the "recall" to inspect home elevators announced on January 11, 2022.

F. "Recall" refers to the CPSC's announcement on January 11, 2022, requiring Inclinor to inspect private residential elevators due to an alleged Elevator Hazard. See [Inclinor Company of America Recalls Residential Elevators Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children | CPSC.gov](#) (CPSC Recall No. 22-046).

III. SUBPOENA DUCES TECUM

You are ordered to produce and permit inspection of the following documents and things in your possession, custody, or control at the offices of Keller and Heckman, LLP, 1001 G St. NW, Washington, DC 20037 c/o Sheila A. Millar or through some other mutually convenient means within thirty days of service hereof.

1. The final CAP as approved by the CPSC.
2. Copies of all MPRs submitted to the CPSC related to the “recall to inspect” home elevators announced on January 11, 2022 (CPSC Recall No. 22-046).
3. A copy of any closing letter issued by the CPSC related to the recall and any additional communications between Inclinator and CPSC in response to or following up on any such closing letter by CPSC.

BY ORDER OF THE COMMISSION

The undersigned, an authorized official of the U.S. Consumer Product Safety Commission, has hereto set her hand and caused the seal of the Commission to be affixed at Bethesda, MD, this 18th day of March, 2022

Alberta Mills

Alberta E. Mills
Secretary
U.S. Consumer Product Safety Commission

AFFIDAVIT OF PROCESS SERVER

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

In the Matter of Thyssenkrupp Access Corp.

Attorney: *****

Respondent,

Keller and Heckman LLP
1001 G St., NW, #500 West
Washington DC 20001

vs.



276378

Case Number: CPSC Docket No.: 21-1

Legal documents received by Same Day Process Service, Inc. on **03/22/2022** at **11:14 AM** to be served upon **Savaria Corporation at Miles & Stockbridge, P.C., 100 Light St., Baltimore, MD 21202**

I, **Rodney Getlan**, swear and affirm that on **March 22, 2022** at **3:51 PM**, I did the following:

Served **Savaria Corporation** by delivering a conformed copy of the **Order Issuing Subpoena Duces Tecum on Savaria Corporation; Subpoena Duces Tecum to Melissa Strickland as Legal Admin. & Authorized Agent of Savaria Corporation at Miles & Stockbridge, P.C., 100 Light St. , Baltimore, MD 21202.**

Description of Person Accepting Service:

Sex: Female Age: 38 Height: 5ft4in-5ft8in Weight: 100-130 lbs Skin Color: Caucasian Hair Color: Brown

Supplemental Data Appropriate to this Service:

I declare under penalty of perjury that the foregoing information contained in this affidavit is true and correct and that I am a professional process server over the age of 18 and have no interest in the above legal matter.



Rodney Getlan
Process Server
Same Day Process Service, Inc.
1413 K St., NW, 7th Floor
Washington DC 20005
(202)-398-4200
info@samedayprocess.com

Internal Job
ID:276370



UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

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

TO: SAVARIA CORPORATION
c/o Dwight Stone
Miles & Stockbridge PC
100 Light Street
Baltimore, MD 21202

SUBPOENA DUCES TECUM

Complaint Counsel in the above-captioned matter is seeking an Initial Decision and Order determining that components manufactured by Respondent thyssenkrupp Access Corp. (now known as TK Access Solutions Corp.), and used to install various residential elevators through 2012, present a substantial product hazard. In the underlying Complaint, Complaint Counsel seeks a recall and certain relief, including the imposition of notice and repair requirements on Respondent related to an alleged Elevator Hazard associated with residential elevators. Respondent believes Savaria Corporation has in its possession, custody, or control information relevant to this matter and, in particular, the nature and scope of the requested relief.

The U.S. Consumer Product Safety Commission (“CPSC”) has authorized the issuance of this Subpoena *duces tecum* in this matter pursuant to Sections 15 and 27(b)(3) & (4) of the Consumer Product Safety Act, 15 U.S.C. §§ 2064 and 2076(b) (3) & (4), and 16 C.F.R. part 1025. **The Subpoena requires that you produce certain documents as requested below. All**

documents produced in response to this Subpoena that are marked as confidential will be considered confidential within the meaning of the Protective Order entered on October 12, 2021, by the Presiding Officer in this matter.

I. GENERAL INSTRUCTIONS

A. This Subpoena shall be answered by you.

B. Each document production request seeks production of all documents described herein, and any attachments thereto, in your possession, custody, or control, or in the possession, custody, or control of any of your attorneys, employees, agents, or representatives, and all documents and any attachments that you or any of your attorneys, employees, agents, or representatives have the legal right to obtain, or have the ability to obtain from sources under your or their control.

C. These requests shall be read, interpreted, and answered in accordance with these instructions and the definitions set forth herein, as well as 16 C.F.R. § 1025.38. If the meaning of any word or phrase used herein is unclear, you are requested to contact Respondent's counsel for the purpose of resolving any ambiguity. If any request cannot be answered in full after exercising the required diligence, it shall be answered to the extent possible with a full statement of all efforts to fully answer and of all reasons a full answer cannot be made.

D. Produce each document requested herein in its entirety, without deletion, redaction, or excision.

E. Please provide all responsive Documents, including hardcopy, electronic and e-mail Documents in electronic format on CD or DVD. Document level searchable text, all fielded data, and metadata should be delivered in a Relativity-compatible load file (DAT and OPT)

accompanied by Bates-numbered single page Group IV TIFF images representing each page of production.

F. To the extent that you withheld, based upon a claim of privilege, any information, or documents (including electronic records) that would have been responsive to any information or document production requests contained in the Subpoena, provide the following information: for any document withheld, specify the privilege claimed and the factual basis you contend supports the assertion of the privilege, and identify the document as follows: (a) state the date, nature, and subject matter of the document; (b) identify each author of the document; (c) identify each preparer of the document; (d) identify each person who is an addressee or an intended recipient of the document; (e) identify each person from whom the document was received; (f) state the present location of the document and all copies thereof; (g) identify each person who has, or ever had, possession, custody, or control of the document or any copy thereof; (h) state the number of pages, attachments, appendices, and exhibits; and (i) provide all further information concerning the document and the circumstances upon which the claim of privilege is asserted.

G. In an affidavit accompanying the response to the Subpoena, you must include a statement, signed under oath or affirmation, indicating that a diligent search of all files, records, and databases for responsive information and documents has been made, that the information contained in the responses to the questions is complete and accurate, and that you have produced true copies of all the documents requested in the Subpoena.

H. Your obligation to respond to the Subpoena is a continuing one. As additional information becomes available to you that is responsive to the Subpoena, you must submit that information immediately.

II. DEFINITIONS

For the purposes of the Subpoena the following definitions apply:

A. “Savaria” means Savaria Corporation, with its principal place of business located at 4350 aut. Chomedey, Laval (Quebec) H7R6E9, Canada, including any agent, parent, subsidiary, affiliate, successor, or predecessor entity, as well as past and present officers, directors, representatives, agents, and employees of Savaria.

B. "Document(s)" shall be interpreted as the term is used in Federal Rule of Civil Procedure 34 and includes electronically stored information.

C. “Elevator Hazard" means the child entrapment hazard posed by the installation of the Elevators.

D. “CAP” refers to the final Corrective Action Plan entered into between Savaria and the CPSC related to the “recall” to inspect home elevators announced on January 11, 2022.

E. “MPR” means any monthly progress report filed with the CPSC as part of the “recall” to inspect home elevators announced on January 11, 2022.

F. “Recall” refers to the CPSC’s announcement on January 11, 2022, requiring Savaria to inspect private residential elevators due to an alleged Elevator Hazard. *See* [Residential Elevators Recalled by Savaria Corporation Due to Child Entrapment Hazard; Risk of Serious Injury or Death to Young Children | CPSC.gov](#) (CPSC Recall No. 22-047).

III. SUBPOENA DUCES TECUM

You are ordered to produce and permit inspection of the following documents and things in your possession, custody, or control at the offices of Keller and Heckman, LLP, 1001 G St. NW, Washington, DC 20037 c/o Sheila A. Millar or through some other mutually convenient means within thirty days of service hereof.

1. The final CAP as approved by the CPSC.
2. Copies of all MPRs submitted to the CPSC related to the “recall to inspect” home elevators announced on January 11, 2022 (CPSC Recall No. 22-047).
3. A copy of any closing letter issued by the CPSC related to the recall and any additional communications between Savaria and CPSC in response to or following up on any such closing letter by CPSC.

BY ORDER OF THE COMMISSION

The undersigned, an authorized official of the U.S. Consumer Product Safety Commission, has hereto set her hand and caused the seal of the Commission to be affixed at Bethesda, MD, this 18th day of March, 2022

Alberta Mills

Alberta E. Mills
Secretary
U.S. Consumer Product Safety Commission

CERTIFICATE OF SERVICE

Pursuant to 16 C.F.R. § 1025.16, as adopted by the Presiding Officer in CPSC Docket No. 21-1, and 16 C.F.R. § 1025.38(f), I hereby certify that on March 25, 2022, true and correct copies of the foregoing Respondent’s Notice of Filing – Affidavits of Service were filed with the Secretary of the U.S. Consumer Product Safety Commission and served on all parties and participants of record in these proceedings in the following manner:

By electronic mail to the Secretary of the U.S. Consumer Product Safety Commission:

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

By electronic mail to the Presiding Officer:

The Honorable Mary Withum, Administrative Law Judge
c/o Alberta E. Mills
Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814
amills@cpsc.gov

By electronic mail to Complaint Counsel:

Mary B. Murphy
Complaint Counsel
Director
Division of Enforcement and Litigation
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814
mmurphy@cpsc.gov

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

Nicholas J. Linn, Trial Attorney
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Sheila A. Millar