UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of	)	
	)	CPSC DOCKET NO. 13-1
BABY MATTERS, LLC	)	
	)	HON. WALTER J. BRUDZINSKI
Respondent.	)	Administrative Law Judge

SUPPLEMENTAL MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

Pursuant to 16 C.F.R. § 1025.13, Complaint Counsel moves this Court to permit Complaint Counsel to supplement its previously filed Motion for Leave to File Amended Complaint in the instant matter. A copy of the previously filed Motion for Leave to File Amended Complaint is attached hereto as Attachment 1. Under the Rules, the Presiding Officer "may allow appropriate amendments and supplemental pleadings which do not unduly broaden the issues in the proceedings or cause undue delay." 16 C.F.R. §1025.13.

This supplemental Motion merely seeks to attach to the Amended Complaint a List and Summary of Documentary Evidence. No changes have been made to the Amended Complaint, and the attached List and Summary of Documentary Evidence is identical to that which was filed with the original Complaint. The List and Summary of Documentary Evidence is attached hereto as Attachment 2. Complaint Counsel submits that the filing of this supplemental Motion will neither unduly broaden the issues nor cause undue delay, and does not prejudice the Respondent.

Wherefore, Complaint Counsel respectfully requests that the Presiding Officer grant this Supplemental Motion and allow Complaint Counsel leave to file the List and Summary of Documentary Evidence as an attachment to the Amended Complaint.

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MEMORANDUM IN SUPPORT OF SUPPLEMENTAL MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

On December 4, 2012, Complaint Counsel issued a Complaint authorized by the U.S. Consumer Product Safety Commission (Commission). The Complaint seeks a determination that Respondent's infant recliners (the Subject Products) constitute a "substantial product hazard" within the meaning of Section 15 of the Consumer Product Safety Act (CPSA), as amended, 15 U.S.C. § 2064, and Section 15 of the Federal Hazardous Substances Act (FHSA), as amended, 15 U.S.C. § 1274. On December 26, 2012, Respondent filed an Answer.

On January 25, 2013, Complaint Counsel filed a Motion for Leave to File an Amended Complaint, a copy of which is attached hereto as Attachment 1. Pursuant to 16 C.F.R. §1025.11(b)(3), Complaint Counsel seeks to supplement that filing by attaching the List and Summary of Documentary Evidence to that Amended Complaint..

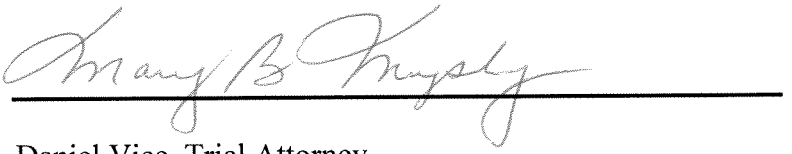
Complaint Counsel hereby requests that the court grant the Supplemental Motion for Leave to File Amended Complaint because the instant pleading "do[es] not unduly broaden the issues in the proceedings or cause undue delay." 16 C.F.R. § 1025.13. The List and Summary of Documentary Evidence attached as Attachment 2 to the Supplemental Motion is identical to that

which was attached to the original Complaint, and Counsel has made no changes to the Motion for Leave to Amend the Complaint or the Amended Complaint.

Granting this supplemental Motion will not cause undue delay. Indeed, the Motion for Leave to File Amended Complaint was filed one business day earlier, on January 25, 2013. These proceedings have been pending for less than two months. A telephonic prehearing conference is scheduled for today, January 28, 2013, at 11:00 am. There are no additional facts raised by this supplemental Motion that will interfere with the resolution of the Motion for Leave to File the Amended Complaint or with the consideration of the issues by the Court. The Supplemental Motion for Leave to File Amended Complaint is a timely submission that will not materially affect the schedule of this proceeding.

Conclusion

Wherefore, for the foregoing reasons, Complain Counsel respectfully requests that the Presiding Officer permit Complaint Counsel to attach the List and Summary of Documentary Evidence to the Amended Complaint that was attached to the Motion for Leave to File Amended Complaint.



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	)	

ORDER

This matter having come before the Court on Complaint Counsel's Supplemental Motion for Leave to File an Amended Complaint, and upon consideration of the Motion and any other pleadings of record, it is by this Court, this ____ day of _____ 2013,

ORDERED that the List and Summary of Documentary Evidence is Deemed Attached to the Amended Complaint, and it is further

ORDERED that leave to file the Amended Complaint and List and Summary of Documentary Evidence is GRANTED, and it is further

ORDERED that the Amended Complaint and List and Summary of Documentary Evidence is hereby accepted for filing on the date of this order.

_____

The Honorable Walter J. Brudzinski

CERTIFICATE OF SERVICE

I certify that I have served the foregoing Supplemental Motion, Memorandum, Amended Complaint, List and Summary of Documentary Evidence and Proposed Order on all parties and participants of record in these proceedings by emailing a courtesy copy and by mailing, postage prepaid a copy to each on January 28, 2013.

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U.S. Consumer Product Safety Commission

Attachment 1

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MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

Pursuant to 16 C.F.R. § 1025.13, Complaint Counsel moves for leave to file an Amended Complaint. A copy of the proposed Amended Complaint is attached as Exhibit A.

The proposed Amended Complaint revises the Complaint by adding additional information about incidents reported by consumers concerning the Subject Products and supplementing and clarifying allegations concerning the alleged substantial product hazards posed by the Subject Products.

The Presiding Officer "may allow appropriate amendments and supplemental pleadings which do not unduly broaden the issues in the proceedings or cause undue delay." 16 C.F.R § 1025.13. Complaint Counsel submits that the filing of the Amended Complaint will neither unduly broaden the issues nor cause undue delay.

Complaint Counsel respectfully requests that the Presiding Officer grant this motion and allow leave to file the Amended Complaint.

Kelly Moore

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