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U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

Record of Commission Action
Commissioners Voting by Ballot *

Commissioners Voting: Chairman Ann Brown
 Commissioner Mary Sheila Gall
 Commissioner Thomas H. Moore

ITEM

McDonald's Corporation (OS# 5163)

DECISION

The Commission voted unanimously (3-0) to grant McDonald's request for discovery regarding the staff's allegation that McDonald's violated provisions of the Agreement of October 12, 1995, between McDonald's, the Consumer Product Safety Commission, and the Department of Justice. The Commission authorized the Secretary to notify each party by letter regarding the decision to grant discovery and the procedure to be followed by the parties in the future. A copy of the letter approved by the Commission is attached.

For the Commission:

Sadye E. Dunn
Secretary

* Ballot due January 14, 1999



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207-0001

January 15, 1999

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Washington, DC 20207

Re: McDonald's Corporation

Dear Sirs:

The Commission has considered the issues raised by McDonald's Corporation ("McDonald's") in letters to the Commission on November 11 and 19, 1998, and the responding memoranda submitted by the Commission's staff ("staff"). Among other things, McDonald's has asked for the opportunity to obtain discovery regarding the staff's allegation that McDonald's violated provisions of the Agreement of October 12, 1995, between McDonald's, the Consumer Product Safety Commission, and the Department of Justice.

The Commission is not persuaded by McDonald's arguments that a grant of discovery is specifically required in this matter. The Commission is also of the view that certain of McDonald's discovery requests may seek information that is privileged or not relevant. Nevertheless, the Commission wishes to ensure that McDonald's has the opportunity to obtain the staff's responses to appropriate discovery requests. Accordingly, as a matter of fairness and policy, the Commission directs the staff to provide such responses to McDonald's.

The procedures outlined below shall be followed regarding this matter:

- (1) The staff shall respond to McDonald's interrogatories and document requests within 30 days of receipt of this


letter. If the staff has specific objections to a particular interrogatory or document request, the reasons for the objections shall be stated in lieu of an answer.

- (2) The staff shall respond to McDonald's deposition requests within 5 days of receipt of this letter. The staff shall notify McDonald's regarding a schedule for the taking of any requested deposition(s), or alternatively, any opposition to the taking of any requested deposition(s).
- (3) McDonald's may request a ruling of the Commission regarding any discovery request that is objected to or opposed by the staff. Any such request for a ruling must be submitted by McDonald's within 20 days after notice to McDonald's of objections or opposition from the staff.
- (4) McDonald's shall submit its response to the staff's October 9, 1998, recommendation within 45 days after McDonald's receipt of the staff's response to the company's discovery requests.
- (5) Further discovery shall be available to the staff to the extent that McDonald's response to the staff's memorandum of October 9, 1998, raises issues that require further investigation. Any such discovery request shall be submitted to McDonald's within 15 days after the staff's receipt of McDonald's response. McDonald's response to any additional discovery requested by the staff shall be due within 30 days of receipt of any such discovery request.
- (6) The staff may file a reply to McDonald's response to the staff's October 9, 1998, recommendation within 10 days after receipt of that response, or within 10 days after completion of any additional discovery conducted by the staff after receipt of such response, whichever is later.
- (7) The Commission shall rule on any request for oral argument. Such requests should be submitted to the Commission within 10 days after the date of submission to the Commission of McDonald's response to the staff's October 9, 1998, recommendation. The request should state the reasons why the requesting party believes that oral argument is required.

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- (8) Rule 6(a) and (e) of the Federal Rules of Civil Procedure shall be used for purposes of calculating time.

By direction of the Commission.



Sadye E. Dunn
Secretary