

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

IN THE MATTER OF

CPSC DOCKET NO.: 21-1

THYSSENKRUPP ACCESS CORP.,

Respondent.

**RESPONDENT'S FIRST SET OF INTERROGATORIES TO  
CONSUMER PRODUCT SAFETY COMMISSION**

Pursuant to 16 C.F.R. § 1025.32, Respondent TK Access Solutions Corp., formerly known as thyssenkrupp Access Corp. (“the Company”), hereby requests that the Consumer Product Safety Commission (“CPSC”) answer each of the following interrogatories under oath and in writing within 30 days of service hereof.

Pursuant to 16 C.F.R. § 1025.31(b), the Company reserves the right to submit additional requests for production of documents or things, requests for admission, or interrogatories.

**DEFINITIONS**

1. In the following requests:
  - A. “You,” or “your,” shall mean the CPSC and includes the current or former staff, contractors, agents, representatives, and officers, including the Commissioners and their personal staff.
  - B. “Document” shall be interpreted as the term is used in the Federal Rule of Civil Procedure 34, and shall include the original and all non-identical copies of all written, printed, typed, graphic, and photographic matter of any kind or nature, and all mechanical or electronic audio and/or visual recordings or transcripts thereof, however produced or reproduced, and all entries in a computer or electronic database (including Twitter and any other form of social media) of any kind, including but not limited to: correspondence,

telexes, telegrams, telephone messages, statements, voice mail, electronic mail, facsimiles, and all other computer files or data, claim forms, incident reports, intake forms or histories, summaries of records of telephone conversations, memoranda, records, summaries or records of personal conversations or interviews, invoices, contracts, agreements, orders, books, calendars, diaries, reports, notebooks, photographs, videos (digital or otherwise), slides, charts, notes, plans, drawings, sketches, maps, summaries or records of meetings or conferences, drafts, logs of meetings or telephone calls, or letters, now or formerly in the possession, custody, or control of CPSC, CPSC's attorneys, representatives, employees, or agents, including the Commissioners and their personal staff.

C. "Person" shall mean any natural person, corporation, partnership, unincorporated association, joint venture, not-for-profit corporation, trust, estate, public or quasi-public entity, or any other legal entity.

D. "Complaint" shall mean your Complaint filed against the Company in the above-captioned matter and any amendments thereto.

E. "Components" shall mean the alleged "consumer products" referred to in Paragraph 1 of your Complaint.

F. "Dealers" shall mean third-party distributors or retailers of the Components.

G. "Hoistway" shall mean a vertical shaft or channel through which a residential elevator car moves when in operation.

H. "Identify," "state the identity of," "identification," or "describe:

i When used in reference to an individual, shall mean to state their full name, maiden or former names, present or last known home and business address

and telephone numbers, and present or last known occupation, employer, and job title or description; or if none of the information is known, then the name and present home and business address and telephone numbers of all individuals who likely or may be able to provide all or part of the information.

ii When used in reference to an organization of any kind, shall mean to state its full name, its state of incorporation (if applicable), and the address of its principal place of business and its telephone numbers.

iii When used in reference to a Document, shall mean to state the type of Document, its date, the identity of its author(s) and its recipient(s), any title and/or serial number or file number appearing on the Document, the identity of its present custodian, its present location and a brief description of its subject matter. If any such Document was, but no longer is, in your possession or control or in existence, state whether it (i) is missing or lost, (ii) has been destroyed, (iii) has been transferred to others, or (iv) has been otherwise disposed of. In lieu of identifying a Document, a copy of the Document can be produced.

I. “Installer” shall mean and shall include, as specified:

i “Hoistway Installer,” which shall mean any Person responsible for designing or building Hoistways;

ii “Hoistway Door Installer,” which shall mean any Person responsible for selecting or installing Hoistway Doors; and

iii “Equipment Installer,” which shall mean any Person responsible for installing residential elevators.

- J. “Hoistway Door” shall mean both
- i a door, supplied and installed by persons who are not party to the above-captioned action, used to separate the Hoistway from the living space of a residence in which a residential elevator is installed and
  - ii the frame, jamb, flange, and similar fixed components, supplied and installed by persons who are not party to the above-captioned action, that are associated with a door.
- K. “Landing Sill” shall mean the edge of the floor of the residence within the Hoistway that leads to an installed residential elevator.
- L. “Gap Space” shall mean:
- i. The distance between the Hoistway Door and the edge of the Landing Sill and
  - ii. The distance between the Hoistway Door and the gate that is interior to a residential elevator car.
- M. “2013 Investigation” shall mean the entire CPSC file, under file number CA140069, or any other file number, under which CPSC investigated the Components in connection with the incident described in Paragraphs 67-73 of the Complaint, and all Documents associated therewith.
- N. “Closing Letter” shall mean the letter, dated June 19, 2014, from Jonathan Thron of CPSC to Jay Doyle, then-counsel to the Company, by which CPSC informed the Company that the agency had closed the 2013 Investigation at least in part in view of “the corrective action measures the [Company] has undertaken [including] establishing two

(2) websites to educate consumers about the hazard and partially subsidizing the cost of space guards for consumers whose elevators were installed out of specification.”

O. “Elevator Petition” shall mean the petition, filed by The Safety Institute and others on or about November 13, 2014, entitled “Petition for Recall to Repair/Retrofit and Rulemaking,” regarding which CPSC published notice and an opportunity for comment at pages 3226-27 of Volume 80 of the Federal Register on January 22, 2015.<sup>1</sup>

P. “Briefing Package” shall mean the CPSC staff briefing package, prepared by Vincent J. Amodeo, Project Manager, et al., and dated March 15, 2017, which:

- i recommended that the Commission deny the Elevator Petition;
- ii described the “homeSAFE” campaign that the Company had undertaken in conjunction with elevator trade associations to address the hazards associated with Hoistway Doors and elevators that were improperly installed so as to create excessive Gap Spaces; and
- iii stated that “CPSC has not recalled any elevators related to the entrapment hazard identified by the petitioners [as] CPSC staff could not identify any specific elevator models or manufacturers whose installations revealed design defects or installation defects that caused a substantial product hazard.”

Q. “RCA” shall mean a CPSC Record of Commission Action or similar Document reflecting any vote by the Commission, whether conducted in an open or closed meeting, by ballot, or by electronic poll.

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<sup>1</sup> The Federal Register notice states the Elevator Petition was filed November 1, 2013. However, as the copy of the Elevator Petition contained in the Briefing Package is stamped “Received CPSC 2014 NOV 13 . . . Office of the Secretary,” p. 1, and as the Elevator Petition refers to the Company’s homeSAFE campaign, p. 24-25, which was launched on June 25, 2014, the Company believes the Federal Register notice’s statement is in error.

R. “Buerkle Alert” shall mean a statement from then-Acting Chairman Ann Marie Buerkle, dated August 1, 2019, entitled “Safety Alert to Protect Children from a Deadly Gap between Doors of Home Elevators.”

S. “Buerkle Letter” shall mean a letter from then-Acting Chairman Ann Marie Buerkle, dated August 6, 2019, that was addressed to the governors of all U.S. states and that alerted the governors to the hazards associated with improper installations of hoistway doors and elevators and the “critical role of installers” in preventing these hazards.

T. “Press Release” shall mean any release or statement, issued by or through CPSC or any person associated with CPSC, or any Commissioner or any Commissioner’s staff, including the Buerkle Alert and the Buerkle Letter, to any news person or organization, including any newspaper or any broadcast or Internet person or organization, regarding the Components, residential elevators, or the hazards associated with improper installations of Hoistway Doors or elevators.

U. “Withdrawn Unilateral Statement” shall mean the proposed unilateral statement that the Company was notified, via a letter from CPSC staff member Harriet Kerwin dated February 2, 2021, that CPSC intended to issue regarding the Components.

V. “2017 Investigation” shall mean the entire CPSC file, under file numbers PI170085 or CA210007, or any other file number, under which CPSC investigated the Components, and any Documents associated therewith.

W. “PSA” shall mean any CPSC Product Safety Assessments, or any similar staff technical evaluations, associated with the Components or any other residential elevator.

X. “PD” shall mean any CPSC Preliminary Determination, or any similar staff technical evaluations, associated with the Components or any other residential elevator.

Y. “ASME” shall mean the American Society of Mechanical Engineers.

Z. “ASME A17.1” shall mean the American Society of Mechanical Engineers’ A17.1 *Safety Code for Elevators and Escalators*, including A17.1-2016 and any predecessor and successor standards.

AA. “ASME A17.3” shall mean the American Society of Mechanical Engineers’ A17.3 *Safety Code for Existing Elevators and Escalators*, including A17.3-2020 and any predecessor standards.

BB. “Administrative Record” shall mean the Documents relating to the 2013 Investigation, the Elevator Petition, and the 2017 Investigation, including all allegations in the Complaint, including, but not limited to, all reports, memoranda, correspondence, expert reports, analyses, safety studies and reports, engineering studies and reports, human factors studies and reports, ASME committee minutes, correspondence with any ASME staff or any ASME committee members, and other documents or information created or reviewed by the Commission that contributed to the Commission’s decision to close the 2013 Investigation, produce the preliminary determination associated with the 2017 Investigation, and/or issue the Complaint, was considered by the Commission prior to the filing of the Complaint, and/or factored in any way into the Commission’s decision to file or serve the Complaint, to deny the Elevator Petition or propose to issue the Withdrawn Unilateral Statement.

2. The words “and” and “or” shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

3. The word “including” shall be construed to mean without limitation.
4. The use of the past tense shall include the present tense, and the use of the present tense shall include the past tense, so as to make all definitions and requests inclusive rather than exclusive.
5. The singular shall include the plural, and vice versa.

### **INSTRUCTIONS**

6. These interrogatories shall be read, interpreted, and answered in accordance with these instructions and the definitions set forth herein, as well as 16 C.F.R. § 1025.34. If the meaning of any word or phrase used herein is unclear, Complaint Counsel are requested to contact Respondent’s counsel for the purpose of resolving any ambiguity. If any interrogatory 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.
7. These interrogatories shall be deemed continuing to the extent permitted by 16 C.F.R. § 1025.31(f) so as to require prompt further responses if additional information or Documents are obtained between the time the responses were served and the time of the hearing.
8. If CPSC or Complaint Counsel claims that the attorney-client privilege or any other privilege is applicable to any Document sought by these discovery requests, 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;
  - I. Provide all further information concerning the Document and the circumstances upon which the claim of privilege is asserted; and
  - J. Produce all non-privileged portions of the Document.
9. Identify each Person who assisted or participated in preparing and/or supplying any of the information give in response to or relied upon in preparing the answers to these interrogatories.

## **INTERROGATORIES**

INTERROGATORY NO. 1. Identify each Person with knowledge of your efforts to respond to any set of (i) Respondent's Interrogatories, (ii) Respondent's Requests for Production of Documents or Things or (iii) Requests for Admission. For each Person identified, indicate the time period of their involvement and describe the Person's responsibility, role, and contribution.

INTERROGATORY NO. 2. Identify any Person who was a witness to or has knowledge of the development, drafting, review, finalization, or adoption of the Closing Letter, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 3. Identify any Person who was a witness to or has knowledge of the development, drafting, review, finalization, or adoption of the Briefing Package, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO.4. Describe in complete detail the committee minutes and other materials related to ASME A17.1 and A17.3 reviewed by CPSC as part of evaluating the Elevator Petition, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 5. Describe in complete detail CPSC's understanding of the role of Installers in installing residential elevators, Hoistways, and Hoistway Doors, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 6. Describe in complete detail each home elevator incident that CPSC reviewed in reaching the conclusion stated in the Briefing Package that "CPSC staff could not identify any specific elevator models or manufacturers whose installations revealed design defects or installation defects that caused a substantial product hazard," Briefing Package at 14, including identifying whether or not each such incident was associated with an installed elevator supplied by the Company, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 7. Describe in complete detail each alleged defect in the design or materials of the Components or any of their component parts that you allege supports the relief requested in the Complaint, including without limitation in your description the exact nature of the alleged defect, the allegedly defective elements of the Components, and the hazard or risk created by each such alleged defect, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 8. If you allege that the Components are defective, describe in complete detail each alternative design or modification which you allege was possible to reduce or eliminate the hazard, including without limitation in your description whether or not each

design or modification was commercially available at the time of production of the Components, identification of any product using the commercially available alternative design at the time of production of the Components, whether or not each design or modification has been tested or otherwise analyzed by you, and, if so, describe in complete detail the nature of any such testing or analysis, and identify any Document concerning, involving, or in any way related to your response.

INTERROGATORY NO. 9. Describe in complete detail any warning or instruction you contend the Company provided improperly or failed to provide in connection with the Components, including without limitation in your description the manner in which you allege any warning or instruction provided by the Company was improper, the content of any warning or instruction you allege was proper or required at the time of production of the Components, the manner in which you allege that warning or instruction should have been provided, whether any commercially available alternative product used the warning or instruction you allege was proper or required at the time of production of the Components, the identity of any commercially available alternative product that used the warning or instruction you allege was proper or required at the time of production of the Components, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 10. Identify each Person whom you expect to call as an expert witness at any hearing or trial in this matter and describe in complete detail the subject matter on which the expert is expected to testify, including without limitation in your description:

- a. A complete statement of all opinions the witness will express and the basis and reasons for them;
- b. The facts or data considered by the witness in forming them;

- c. Any exhibits that will be used to summarize or support them;
- d. The witness's qualifications, including a list of all publications authored in the previous 10 years;
- e. A list of all other cases in which, during the previous four years, the witness testified as an expert at trial or by deposition; and
- f. A statement of the compensation, if any, to be paid for the study and testimony in this matter.

INTERROGATORY NO. 11. If you allege that the Components fail to comply with the provisions of any mandatory or voluntary standard that was in force at the time of their production, whether in their design, manufacture, sale, distribution, assembly, instructions, or warnings regarding the installation, assembly, or use of the Components or any component parts (including without limitation any manual or other Documents accompanying the Components at the time of delivery), describe such allegation in complete detail, including without limitation in your description the identity of the mandatory or voluntary standard which you allege applied, each instance in which you allege the Components failed to comply, each section of the mandatory or voluntary standard with which you allege the Components failed to comply, and each change to the Components that you allege was required so that the Components would comply with any such statute, code, regulation, or industry, trade, or voluntary standard that was in force at the time of production of the Components, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 12. Describe any changes in the Components or their instructions or warnings that you allege occurred between June 19, 2014, and March 15, 2017, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 13. Describe any changes in the Components or their instructions or warnings that you allege were required, including required under ASME A17.1 or required to cure any alleged “defect,” between June 19, 2014, and March 15, 2017, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 14. Describe any changes in the Components or their instructions or warnings that you allege occurred between March 15, 2017, and July 7, 2021, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 15. Describe any changes in the Components or their instructions or warnings that you allege were required, including required under ASME A17.1 or required to cure any alleged “defect,” between March 15, 2017, and July 7, 2021, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 16. Describe any changes in the Components or their instructions or warnings that you allege occurred between March 15, 2017, and July 7, 2021, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 17. Describe any changes in the Components or their instructions or warnings that you allege were required, including required under ASME A17.1 or required to cure any alleged “defect,” between March 15, 2017, and July 7, 2021, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 18. Describe in complete detail the basis for the allegations in Paragraph 9 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 19. Describe in complete detail the basis for the allegations in Paragraph 27 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 20. Describe in complete detail the basis for the allegations in Paragraph 31 of the Complaint, including, but not limited to, the allegation that any provision of any standard limiting any Gap Space to no “greater than four inches” was applicable to installations of the Components during the period in which they were manufactured, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 21. Describe in complete detail the basis for the allegations in Paragraph 32 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 22. Describe in complete detail the basis for the allegations in Paragraph 39 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 23. Describe in complete detail the basis for the allegations in Paragraph 40 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 24. Describe in complete detail the basis for the allegations in Paragraph 41 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 25. Describe in complete detail the basis for the allegations in Paragraph 42 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 26. Describe in complete detail the basis for the allegations in Paragraph 43 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 27. Describe in complete detail the basis for the allegations in Paragraph 44 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 28. Describe in complete detail the basis for the allegations in Paragraph 45 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 29. Describe in complete detail the basis for the allegations in Paragraph 46 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 30. Describe in complete detail the basis for the allegations in Paragraph 47 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 31. Describe in complete detail the basis for the allegations in Paragraph 48 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 32. Describe in complete detail the basis for the allegations in Paragraph 49 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 33. Describe in complete detail the basis for the allegations in Paragraph 50 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 34. Describe in complete detail the basis for the allegations in Paragraph 51 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 35. Describe in complete detail the basis for the allegations in Paragraph 52 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 36. Describe in complete detail the basis for the allegations in Paragraph 53 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 37. Describe in complete detail the basis for the allegations in Paragraph 54 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 38. Describe in complete detail the basis for the allegations in Paragraph 55 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 39. Describe in complete detail the basis for the allegations in Paragraph 56 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.



INTERROGATORY NO. 40. Describe in complete detail the basis for the allegations in Paragraph 57 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 41. Describe in complete detail the basis for the allegations in Paragraph 58 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 42. Describe in complete detail the basis for the allegations in Paragraph 59 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 43. Describe in complete detail the basis for the allegations in Paragraph 60 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 44. Describe in complete detail the basis for the allegations in Paragraph 61 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 45. Describe in complete detail the basis for the allegations in Paragraph 62 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 46. Describe in complete detail the basis for the allegations in Paragraph 63 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 47. Describe in complete detail the basis for the allegations in Paragraph 64 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 48. Describe in complete detail the basis for the allegations in Paragraph 65 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 49. Describe in complete detail the basis for the allegations in Paragraph 72 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 50. Describe in complete detail the basis for the allegations in Paragraph 73 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 51. Describe in complete detail the basis for the allegations in Paragraph 77 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 52. Describe in complete detail the basis for the allegations in Paragraph 81 of the Complaint, including, but not limited to, the basis for the allegation that “Respondent knew of” hazards associated with a “Hazardous Space,” defined in the Complaint as a “space greater than 4 inches,” at the time of production of the Components, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 53. Describe in complete detail the basis for the allegations in Paragraph 82 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 54. Describe in complete detail the basis for the allegations in Paragraph 83 of the Complaint, including, but not limited to, the allegation that the letter and brochure referred to in Paragraph 84 of the Complaint related to a “Hazardous Space” in residential elevator installations as defined in the Complaint as a “space greater than 4 inches,” and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 55. Describe in complete detail the basis for the allegations in Paragraph 85 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 56. Describe in complete detail the basis for the allegations in Paragraph 86 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 57. Describe in complete detail the basis for the allegations in Paragraph 87 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 58. Describe in complete detail the basis for the allegations in Paragraph 88 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 59. Describe in complete detail the basis for the allegations in Paragraph 94 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 60. Describe in complete detail the basis for the allegations in Paragraph 98 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 61. Describe in complete detail the basis for the allegations in Paragraph 99 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 62. Describe in complete detail the basis for the allegations in Paragraph 100 of the Complaint, including, but not limited to, the allegation that any incidents occurred “because of Respondent’s inaction,” and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 63. Describe in complete detail the basis for the allegations in Paragraph 104 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 64. Describe in complete detail the basis for the allegations in Paragraph 108 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 65. Describe in complete detail the basis for the allegations in Paragraph 109 of the Complaint, including, but not limited to, the allegation that any incidents have occurred “due to” alleged defects in the Components rather than any other cause, such as a third party’s improper installation of a Hoistway that was neither selected nor supplied by the Company, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 66. Describe in complete detail the basis for the allegations in Paragraph 110 of the Complaint, including, but not limited to, the allegation that any alleged defects in the Components, rather than any other cause, such as a third party’s improper installation of a Hoistway that was neither selected nor supplied by the Company, may “present”

any risk, and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 67. Describe in complete detail the basis for the allegations in Paragraph 118 of the Complaint and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 68. Describe in complete detail the basis for the allegations in Paragraph 119 of the Complaint, including, but not limited to, the allegation that, at the time of the production of the Components a unique “measurement tool” was understood in the trade to be essential and commercially available to be provided to Installers or to any other Persons (specifying the identity of any such Persons), and identify any Documents concerning, involving, or in any way related to your response.

INTERROGATORY NO. 69. Identify any Persons who participated in any analysis or testing performed by or on behalf of CPSC, or upon which CPSC relies or has relied, relating to any alleged defect in the Components.

INTERROGATORY NO. 70. Identify any Persons who participated in any analysis or testing performed by or on behalf of CPSC, or upon which CPSC relies or has relied, relating to the effectiveness of the Components’ instructions and warnings.

INTERROGATORY NO. 71. Identify any Persons who participated in any analysis or testing performed by or on behalf of CPSC, or upon which CPSC relies or has relied, relating to whether the Components create a substantial risk of injury to the public.

INTERROGATORY NO. 72. Identify any Persons who participated in any analysis or testing performed by or on behalf of CPSC, or upon which CPSC relies or has relied, relating to whether the Components create a substantial product hazard.

INTERROGATORY NO. 73. State whether you allege trained professionals in the building trades are not required to comply with ASME A17.1 as adopted by the relevant authority having jurisdiction at the time of installation of a residential elevator. If your answer is that they are not required or reasonably expected to do so, please describe in complete detail the basis for your answer.

INTERROGATORY NO. 74. State whether you allege trained professionals in the building trades are not required to comply with applicable building codes as adopted by the relevant authority having jurisdiction at the time of installation of a residential elevator. If your answer is that they are not required or reasonably expected to do so, please describe in complete detail the basis for your answer.

INTERROGATORY NO. 75. State whether you allege trained professionals in the building trades are not required to comply with applicable fire codes as adopted by the relevant authority having jurisdiction at the time of installation of a residential elevator. If your answer is that they are not required or reasonably expected to do so, please describe in complete detail the basis for your answer.

INTERROGATORY NO. 76. State whether you allege trained professionals in the building trades are not required to comply with applicable electrical codes as adopted by the relevant authority having jurisdiction at the time of installation of a residential elevator. If your answer is that they are not required or reasonably expected to do so, please describe in complete detail the basis for your answer.

INTERROGATORY NO. 77. State whether you allege that the Gap Space provision of the elevator code applicable to the jurisdiction in which the Components were installed in a Hoistway is more “safety-critical” than other provisions of the then-in-force version of ASME

A17.1 or other applicable codes, such as provisions for Hoistway interior clearances, wiring, or installer personal safety equipment. If your answer is “yes,” please describe in complete detail the basis for your answer.

INTERROGATORY NO. 78. Identify any analysis or testing performed by or on behalf of CPSC, or upon which CPSC relies or has relied, with respect to whether changes in any of the following, during the period in which the Components were produced, would have remedied or reduced the hazard alleged in the Complaint:

- (a) Design
- (b) Warnings
- (c) Instructions
- (d) Packaging
- (e) Advertising and marketing

INTERROGATORY NO. 79. Identify any Documents in which CPSC communicated to any Person outside CPSC the availability of discounted space guards through the Company’s homeSAFE campaign.

INTERROGATORY NO. 80. Identify any Documents in which CPSC has communicated to any Person outside CPSC the availability of free inspections and, as needed, free installation of free space guards through the Company’s Home Elevator Safety Program.

INTERROGATORY NO. 81. Describe in complete detail the basis for any response to Respondent’s Requests for Admission that is not an unqualified admission of the request, including identifying any Document in support thereof.

INTERROGATORY NO. 82. Identify each person whom you expect to call as a witness at the hearing or trial in this matter, state the subject matter on which the witness is expected to testify, and state the substance of the facts as to which the witness is expected to testify.

INTERROGATORY NO. 83. Identify each Person outside CPSC, including, but not limited to, any Member or Committee of Congress or their staff, any Person within or associated with any law, communications, consulting, or other firm, or any member of the news media, to whom any Person associated with CPSC, including, but not limited to, any staff, contractor, agent, or representative or any Commissioner or commissioner's staff, communicated, by any means, including orally, in writing, by email, by text message, or by digital application, and through any device, whether a government-issued or a personal device, the Commission's decision to issue the Complaint prior to the notification of that decision to the Company.

INTERROGATORY NO. 84. Explain the extent to which, assuming *arguendo* that residential elevators are "consumer products" within the meaning of the CPSA, CPSC has or does not have jurisdiction over dealers of residential elevators, including identifying in detail the basis for your answer.

INTERROGATORY NO. 85. Explain the extent to which, assuming *arguendo* that residential elevators are "consumer products" within the meaning of the CPSA, CPSC has or does not have jurisdiction over installers of residential elevators, including identifying in detail the basis for your answer.

INTERROGATORY NO. 86. Explain whether a finished constructed home is or is not a "consumer product" within the meaning of the CPSA, including identifying in detail the basis for your answer.



August 6, 2021

Respectfully submitted,



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## **CERTIFICATE OF SERVICE**

I hereby certify that on August 6, 2021, true and correct copies of the foregoing  
RESPONDENT'S FIRST SET OF INTERROGATORIES TO CONSUMER PRODUCT  
SAFETY COMMISSION were served via U.S. Mail and/or electronic mail on the Secretary of  
the U.S. Consumer Product Safety Commission and all parties and participants of record in these  
proceedings in the following manner:

Original and three copies by U.S. Mail, first-class and postage prepaid, and one copy by  
electronic mail, to the Secretary of the U.S. Consumer Product Safety Commission, Alberta  
Mills:

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

As no Presiding Officer has been appointed as of the date of service, one copy by U.S.  
Mail, first-class and postage-prepaid, to the Presiding Officer in the care of the Secretary of the  
U.S. Consumer Product Safety Commission, Alberta Mills, at the above address.

One copy by electronic mail to:

Robert Kaye  
Assistant Executive Director  
Office of Compliance and Field Operations  
U.S. Consumer Product Safety Commission  
4330 East West Highway  
Bethesda, MD 20814  
rkaye@cpsc.gov

One copy by electronic mail to Complaint Counsel:

Mary B. Murphy  
Complaint Counsel

Director  
Division of Enforcement and Litigation  
Office of Compliance and Field Operations  
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4330 East West Highway  
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Gregory M. Reyes, Trial Attorney  
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