

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.)	
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**COMPLAINT COUNSEL’S APPLICATION FOR THE ISSUANCE
OF SUBPOENAS ON NON-PARTIES KEVIN BRINKMAN, PATRICK BASS, AND
JURRIEN VAN DEN AKKER**

Pursuant to 16 C.F.R. § 1025.38, which requires the issuance of a subpoena to any non-party for the purpose of compelling attendance, testimony, and production of documents at a hearing or deposition, Complaint Counsel respectfully requests that the Presiding Officer forward, and that the Commission issue, the three subpoenas submitted concurrently with this Application.

The non-parties named in the subpoenas are: (1) Kevin Brinkman; (2) Patrick Bass; and, (3) Jurrien van den Akker. Kevin Brinkman is the former thyssenkrupp Access Corp. (“TKA”) Vice President of Engineering and former National Wheel-O-Vator Vice President of Engineering (that was merged into TKA). Patrick Bass is the former CEO and President of thyssenkrupp North America and Executive Vice President Research and Development Americas for thyssenkrupp Elevator. Jurrien van den Akker is a former TKA President.

Based upon discovery conducted thus far, Complaint Counsel believes that these three non-parties have critical, relevant information regarding the residential elevators at issue in this matter (“Subject Products”), including, but not limited to, information regarding the engineering

drawings and instructions, including installation, design and planning guides, incident information related to the Subject Products, and information about consumers' interactions with the residential elevators. Among other things, Kevin Brinkman had experience at TKA and its predecessor National Wheel-O-Vator, and may have relevant information concerning Respondent's interactions with other residential elevator firms concerning safety. Brinkman and Bass also participated in the American Society for Mechanical Engineers A17 Residence Elevator Committee, as the Committee was evaluating whether a five-inch gap was adequate, inconsistencies in measuring between the hoistway door and the elevator car door, and issues with accordion door deflection as alleged in paragraphs 85–90 of the Complaint. This relates to the defects alleged in the Complaint. *See* Compl. ¶¶ 40–65. Finally, Jurrien van den Akker, among other things, was the signatory of a 2014 letter to residential elevator dealers that detailed the entrapment hazard and the potential space guard safety device option, and Complaint Counsel believes he has relevant information concerning the Respondent's homeSAFE program.

Accordingly, Complaint Counsel requests that the Presiding Officer forward this Application and the subpoenas to the Commission for appropriate action.¹

¹ This court approved electronic filing and service at the October 20, 2021 Initial Pre-Hearing Conference. The Court also noted at the pre-hearing conference that the parties have no objection to providing one electronic copy of the subpoena (instead of triplicate as prescribed by 16 C.F.R. § 1025.38).

Dated: January 11, 2022

Respectfully submitted,



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Michael J. Rogal, Trial Attorney
Frederick C. Millett, Trial Attorney
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Nicholas J. Linn, Trial Attorney

Division of Enforcement and Litigation
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
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Complaint Counsel for
U.S. Consumer Product Safety Commission

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2022, I served Complaint Counsel's Application for the Issuance of Subpoenas on Non-Parties Kevin Brinkman, Patrick Bass, and Jurrien van den Akker upon all parties and participants of record in these proceedings as described below:

By email to the Secretary:

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

By email to the Presiding Officer:

The Honorable Mary Withum
c/o Alberta E. Mills
Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
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By email to Counsel for Respondent:

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Michael J. Rogal
Complaint Counsel for
U.S. Consumer Product Safety Commission

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**ORDER TRANSMITTING COMPLAINT COUNSEL’S APPLICATION FOR THE
ISSUANCE OF SUBPOENAS ON NON-PARTIES KEVIN BRINKMAN, PATRICK
BASS, AND JURRIEN VAN DEN AKKER**

On January 11, 2022, Complaint Counsel for the U.S. Consumer Product Safety Commission filed an Application for the Issuance of Subpoenas on Non-Parties Kevin Brinkman, Patrick Bass, and Jurrien van den Akker.

Pursuant to 16 C.F.R. § 1025.38(c), the application is hereby transmitted to the Secretary so that it may be forwarded to the Commission.

Mary Withum
Administrative Law Judge