

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

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| <p>In the Matter of Amazon.com, Inc.,</p> <p style="text-align:center">Respondent.</p> | <p>CPSC Docket No. 21-2</p> <p>Hon. Carol Fox Foelak Presiding Officer</p> |
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**DECLARATION OF JAMIE DOMINIQUE MAGCALE
IN SUPPORT OF AMAZON’S MOTION TO EXCLUDE
THE CPSC’S REBUTTAL EXPERT WITNESS**

I, Jamie Dominique Magcale, hereby declare:

1. I am an attorney for Respondent Amazon.com, Inc. (“Amazon”) in the above-captioned matter.
2. I am over the age of 18 and I am competent to make this declaration.
3. As used in this Declaration, “CPSC” refers to the U.S. Consumer Product Safety Commission.
4. Attached as Exhibit 1 is a true and correct copy of the CPSC recall notice titled “Impex Fitness Recalls Dumbbell Handles Due to Impact Injury Hazard,” which was published on the CPSC website as part of CPSC Recall No. 22-022 on November 23, 2021 and marked as Exhibit “White 21” at the deposition of Ms. Sharon R. White on August 9, 2022.
5. Attached as Exhibit 2 is a true and correct copy of the CPSC recall notice titled “Polaris Recalls RZR and GENERAL Recreational Off-Highway Vehicles Due to Burn and Fire Hazards,” which was published on the CPSC website as part of CPSC Recall

No. 17-102 on March 2, 2017 and marked as Exhibit “White 20” at the deposition of Ms. Sharon R. White on August 9, 2022.

6. Attached as Exhibit 3 is a true and correct copy of the transcript of the deposition of Joseph P. Mohorovic taken on July 20, 2022. This document is designated as Confidential and will be submitted for in camera review pursuant to the Protective Order.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 21, 2022.

/s/ Jamie Dominique Magcale
Jamie Dominique Magcale

CERTIFICATE OF SERVICE

I hereby certify that, on October 21, 2022, a true and correct copy of the foregoing documents were, pursuant to the Order Following Prehearing Conference entered by the Presiding Officer on October 19, 2021:

- filed by email with the Secretary of the U.S. Consumer Product Safety Commission, Alberta Mills at amills@cpsc.gov, with a copy to the Presiding Officer at alj@sec.gov and to all counsel of record; and
- served to Complaint Counsel by email at jeustice@cpsc.gov, lwolf@cpsc.gov, and sanand@cpsc.gov.

/s/ Sarah L. Wilson
Sarah L. Wilson

Exhibit 1



United States
**CONSUMER PRODUCT
SAFETY COMMISSION**

Impex Fitness Recalls Dumbbell Handles Due to Impact Injury Hazard



Recalled OBB-20 Fitness Gear Olympic Dumbbell Handle with locking collars in black



Name of Product:

Olympic Dumbbell Handles

Hazard:

The locking collars on the dumbbell handles can slip, dropping weights when held perpendicular to the floor, posing an impact injury hazard.

Remedy:

Replace

Recall Date:

November 23, 2021

Units:

About 77,200



Consumer Contact

Impex Fitness at 800-999-8899 from 9 a.m. to 5 p.m. PT, Monday through Friday, or online at <https://www.impex-fitness.com/fitness-gear-olympic-dumbbell-handle-recall> or at www.impex-fitness.com and click on “INFORMATION” at the top of the page for more information.

Recall Details

Description:

This recall involves the OBB-20 Olympic Dumbbell handles that can be used with any olympic-size weight plates in any configuration and allows users to perform various dumbbell exercises. The Olympic Dumbbell handles are chrome in color and finish, and each dumbbell handle comes with two locking collars in black.

Remedy:

Consumers should immediately stop using the recalled dumbbell handles and contact Impex Fitness to receive a free replacement set of new locking collars. The replacement collars will be mailed out to consumers free of charge. Consumers should dispose of the old collar by discarding it into the trash

Incidents/Injuries:

Impex has received four reports of locking collars that slipped. No injuries were reported.

Sold At:

Dick's Sporting Goods stores nationwide and online at <https://www.dickssportinggoods.com> from July 2015 through July 2021 for about \$50.

Importer(s):

Chi Hsin Impex Inc., d/b/a Impex Fitness of Pomona, California

Manufactured In:

China

Recall number:

22-022



This recall was conducted, voluntarily by the company, under CPSC's Fast Track Recall process.

Fast Track recalls are initiated by firms, who commit to work with CPSC to quickly announce the recall and remedy to protect consumers.



United States
**CONSUMER PRODUCT
SAFETY COMMISSION**

CPSC and Crown Darts UK Warn Consumers to Stop Using and Dispose of Banned Lawn Dart Sets; Recalling Firm is Unable to Conduct Recall



Recalled Crown UK lawn darts



Name of Product:

Lawn dart sets

Hazard:

Lawn darts are banned in the U.S. due to serious risks of skull punctures and other serious injuries, particularly to children.

Remedy:

Dispose

Recall Date:

August 12, 2020

Units:

About 19,400 darts (In addition, about 4,048 were sold in Canada)

Consumer Contact

CPSC's Hotline at 800-638-2772 for more information.

Recall Details

In Conjunction With:



Description:

The recalled lawn dart sets were sold for 2, 4 and 5 players and contained 4, 8 and 10 units (darts) respectively, as well as individual spare darts. The lawn darts are about a foot long (30 cm), have polypropylene flights (fins) designed to be held at the tail, with a brass body ending in a stainless steel spigot (peg). The lawn darts were sold in assorted colors including red, blue, yellow, purple, pink, orange, ivory and green. The CROWN DARTS logo is printed on the product.

Remedy:

Crown Darts UK is unable to conduct the recall. Consumers should immediately stop using the recalled lawn dart sets and destroy and dispose of them to prevent further usage.

Incidents/Injuries:

None reported.

Sold At:

Online at www.crowndarts.com from May 2004 through June 2020 for between \$15 and \$139.

Manufacturer(s):

Crown Darts UK, of United Kingdom

Importer(s):

Crown Darts UK, of United Kingdom

Manufactured In:

United Kingdom

Recall number:

20-163

Exhibit 2



United States
CONSUMER PRODUCT
SAFETY COMMISSION

Polaris Recalls RZR and GENERAL Recreational Off-Highway Vehicles Due to Burn and Fire Hazards



2016 POLARIS GENERAL 1000 EPS INDY RED



Name of Product:

Polaris recreational off-highway vehicles (ROVs)

Hazard:

The vehicle engine can misfire and the temperatures of the exhaust and nearby components can get too hot



and cause the components to melt, and/or a contaminated brake master cylinder may cause unintended brake drag, posing burn and fire hazards.

Remedy:

Repair

Recall Date:

March 02, 2017

Units:

About 13,500 (The RZR Turbo and RZR 900 and 1000 have previously been recalled.)

Consumer Contact

Polaris at 800-765-2747 from 7 a.m. to 7 p.m. CT Monday through Friday or online at www.polaris.com and click on "Off-Road Safety Recalls" at the bottom of the page for more information. In addition, check your vehicle identification number (VIN) on the "[Product Safety Recalls](#)" page to see if your vehicle is included in any recalls.

Recall Details

Description:

This recall involves model year 2016 and 2017 RZR 900, 1000, Turbo and GENERAL 1000 recreational off-road vehicles (ROVs). "Polaris" is printed on the front grill and "RZR" or "GENERAL" is printed on the side of the rear cargo area. The ROVs were sold in various colors. The following models are included in the recall.

| Model Year | Model Number | Model |
|------------|--------------|---|
| 2016 | R16RGE99A7 | POLARIS GENERAL 1000 EPS INDY RED |
| 2016 | R16RGE99AE | POLARIS GENERAL 1000 EPS DELUXE ORANGEBURST |
| 2016 | R16RGE99AV | POLARIS GENERAL 1000 EPS VELOCITY BLUE LE |
| 2017 | R17RGE99A7 | POLARIS GENERAL 1000 EPS INDY RED |
| 2017 | R17RGE99A9 | POLARIS GEN 1000 EPS HUNTER ED CAMO |
| 2017 | R17RGE99AM | POLARIS GEN 1000 EPS DXE TITANMATMETAL |
| 2017 | R17RGE99AW | POLARIS GENERAL 1000 EPS WHITE LIGHTNING |
| 2017 | R17RHE99AU | POLARIS GENERAL 4 1000 EPS SILVER PEARL |
| 2016 | Z16VAA87A2 | RZR 900 WHITE LIGHTNING |
| 2016 | Z16VAE87AL | RZR 900 EPS TRAIL STEALTH BLACK |
| 2016 | Z16VAE87AU | RZR 900 EPS TRAIL MATTE TURBO SILVER |
| 2016 | Z16VAX87AM | RZR 900 EPS XC EDITION TITANIUM M METALLIC |
| 2016 | Z16VBA87A2 | RZR S 900 WHITE LIGHTNING |

| | | |
|------|------------|---|
| 2016 | Z16VBA87AB | RZR S 900 PAINT BLUE FIRE |
| 2016 | Z16VBE87AE | RZR S 900 EPS SPECTRA ORANGE |
| 2016 | Z16VBE87AS | RZR S 900 EPS MATTE SUNSET RED |
| 2016 | Z16VBE99AB | RZR S 1000 EPS BLUE FIRE METALLIC |
| 2016 | Z16VBE99AK | RZR S 1000 EPS BLACK PEARL |
| 2016 | Z16VBE99AW | RZR S 1000 EPS MATTE WHITE LIGHTNING |
| 2016 | Z16VCE87AE | RZR 4 900 EPS SPECTRA ORANGE |
| 2016 | Z16VCE87AS | RZR 4 900 EPS MATTE SUNSET RED |
| 2016 | Z16VDE99AM | RZR XP 1000 EPS TITANIUM MATTE METALLIC |
| 2016 | Z16VDE99AS | RZR XP 1000 EPS SUNSET RED |
| 2016 | Z16VDM99AM | RZR XP 1000 EPS HIGH LIFTER TITANIUM MATTE |
| 2016 | Z16VFE92AE | RZR XP 4 TURBO EPS SPECTRA ORANGE |
| 2016 | Z16VFE92AH | RZR XP 4 TURBO EPS GRAPHITE CRYSTAL |
| 2016 | Z16VFE92AS | RZR XP 4 TURBO EPS MATTE SUNSET RED |
| 2016 | Z16VFE92AW | RZR XP 4 TURBO EPS MATTE WHITE LIGHTNING |
| 2016 | Z16VFE99AM | RZR XP 4 1000 EPS TITANIUM MATTE METALLIC |
| 2016 | Z16VFE99AS | RZR XP 4 1000 EPS SUNSET RED |
| 2016 | Z16VFM99AM | RZR XP 4 1000 EPS HIGH LIFTER ED TITANIUM M |
| 2017 | Z17VAA87A2 | RZR 900 WHITE LIGHTNING |
| 2017 | Z17VAE87AB | RZR 900 EPS BLUE FIRE |

| | | |
|------|------------|--|
| 2017 | Z17VAE87AK | RZR 900 EPS BLACK PEARL |
| 2017 | Z17VAX87AK | RZR 900 EPS XC BLACK PEARL |
| 2017 | Z17VBA87A2 | RZR S 900 WHITE LIGHTNING |
| 2017 | Z17VBE87AB | RZR S 900 EPS VELOCITY BLUE |
| 2017 | Z17VBE87AK | RZR S 900 EPS BLACK PEARL |
| 2017 | Z17VBE99AL | RZR S 1000 EPS STEALTH BLACK |
| 2017 | Z17VBE99AR | RZR S 1000 EPS INDY RED |
| 2017 | Z17VCE87AB | RZR 4 900 EPS VELOCITY BLUE |
| 2017 | Z17VCE87AK | RZR 4 900 EPS BLACK PEARL |
| 2017 | Z17VDE92AK | RZR XP TURBO EPS CRUISER BLACK |
| 2017 | Z17VDE92AM | RZR XP TURBO EPS TITANIUM MATTE METALLIC |
| 2017 | Z17VDE99AM | RZR XP 1000 EPS TITANIUM MATTE METALLIC |
| 2017 | Z17VDE99AW | RZR XP 1000 EPS WHITE LIGHTNING |
| 2017 | Z17VDK99AK | RZR XP 1000 EPS VELOCITY BLUE LE |
| 2017 | Z17VDM99AB | RZR XP 1000 EPS HIGH LIFTER VEL BLUE |
| 2017 | Z17VDR99AZ | RZR XP 1000 EPS BOULDERS ED MATTE GOLD |
| 2017 | Z17VFE92AK | RZR XP 4 TURBO EPS CRUISER BLACK |
| 2017 | Z17VFE92AM | RZR XP 4 TURBO EPS TITANIUM MATTE METALLIC |
| 2017 | Z17VFE99AM | RZR XP 4 1000 EPS TITANIUM METALLIC |
| 2017 | Z17VFE99AW | RZR XP 4 1000 EPS WHITE LIGHTNING |

2017

Z17VFM99AB

RZR XP 4 1000 EPS HIGH LIFTER ED VEL BLUE

Remedy:

Consumers should immediately stop using the recalled ROVs and contact Polaris for a free repair. Polaris is contacting all known purchasers directly, and consumers can check their VIN on the Polaris website.

Incidents/Injuries:

Polaris has received 14 reports of vehicles catching fire related to the brake master cylinder and one report of fire and two reports of melting vehicle components related to an engine misfire. No injuries have been reported.

Sold At:

Polaris dealers nationwide from August 2015 through February 2017 for between \$12,800 and \$24,000.

Importer(s):

Polaris Industries Inc., of Medina, Minn.

Distributor(s):

Polaris Industries Inc., of Medina, Minn.

Manufactured In:

Mexico and U.S.

Recall number:

17-102



United States
CONSUMER PRODUCT
SAFETY COMMISSION

General Electric Recalls Gas Rangetop with Grill Due to an Explosion Hazard



Note: Health Canada's press release is available [here](#).



Recalled gas range top



Name of Product:

GE Monogram® Pro Rangetop with Grill

Hazard:

Burners on Rangetops operating on liquefied petroleum ("LP" or propane) may fail to ignite or light if the gas control knob is left in a position between OFF and LITE, posing a risk of delayed ignition or explosion.

Remedy:

Repair

Recall Date:

October 25, 2011

Units:

About 470

Consumer Contact

For additional information, contact General Electric toll-free at (866) 645-3956 between 8 a.m. and 5 p.m. ET Monday through Friday, or visit the firm's website at www.geappliances.com/products/recall

Recall Details

Description:

The Grill units operate on liquefied petroleum ("LP" or propane) or natural gas. The Rangetop units are either 36 or 48 inches wide with a stainless steel finish and the GE Monogram® badge located on the front center of the unit. The burner control knobs are located on the front panel that overhangs the cabinet. The model and serial numbers can be found on a label located behind the far left burner knob, or on the bottom of the unit.

The following models and serials are included in this recall:

| Brand | Model Number Begins With: | | And Serial Number Begins With: |
|-----------|---------------------------|--------------------|---|
| Monogram® | LP Model | Natural Gas | AS, AT, AV, DS, DT, DV, FS, FT, FV, GS, |
| | ZGU364LRP | Model | GT, GV, HR, HS, HT, HV, LR, LS, LT, |
| | ZGU484LGP | ZGU364NRP | LV, MR, MS, MT, RR, RS, RT, SR, SS, |
| | ZGU486LRP | ZGU484NGP | ST, |
| | | ZGU486NRP | TR, TS, TT, VR, VS, VT, ZR, ZS, ZT |

All LP models and only natural gas models that have been converted for use with LP gas are included in the recall. GE will notify known owners of natural gas units and provide a free repair for any consumers who converted their Rangetop with Grill to LP gas.

Remedy:

Consumers who are operating the product on LP (propane) gas should stop using the product immediately, turn off the gas supply to the product, and contact GE to schedule a free repair.

Incidents/Injuries:

GE has received six reports involving explosions in units operating on LP gas, including reports of damage to kitchen cabinets beneath the Rangetop. No fires or injuries have been reported.

Sold At:

General Electric authorized representatives and distributors nationwide from May 2008 through August 2011 for between \$3,400 and \$4,700, as determined by retailers.

Manufacturer(s):

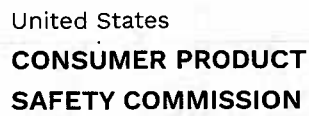
Leiser, Mexico

Manufactured In:

Mexico.

Recall number:

12-021



STUDY ID: 34031

STIHL FS 310 Bike Handle Trimmer/Brushcutter

Hazard:

Vibration from the ignition module may cause the trimmer head to loosen and detach from the mounting, posing an injury hazard.

Remedy:

Replace

Recall Date:

December 16, 2010

Units:

About 1,000

Consumer Contact

For more information, contact STIHL between 8 a.m. and 8 p.m. ET Monday through Friday at (800) 610-6677 or visit STIHL's website at www.stihlusa.com

Recall Details

December 16, 2010

Alert #11-711

The following product safety recall was voluntarily conducted by the firm in cooperation with the CPSC. Consumers should stop using the product immediately unless otherwise instructed. It is illegal to resell or attempt to resell a recalled consumer product.

Name of Product: STIHL FS 310 Bike Handle Trimmer/Brushcutter

Units: About 1,000

Manufacturer: STIHL Incorporated, of Virginia Beach, Va.

Hazard: Vibration from the ignition module may cause the trimmer head to loosen and detach from the mounting, posing an injury hazard.

Incidents/Injuries: The company received three reports of incidents and no reports of injuries.

Description: The recalled bike handle trimmer/brushcutter has "STIHL" printed on the engine head. The model number FS 310 is located in two places, on the shaft and on the flywheel housing below the starter grip. This recall includes all units with serial numbers ranging from 27961 1030 through 27961 1119 and 27984 3607 through 27984 4556, which can be found on an adhesive label affixed to the bottom of the fuel tank and etched into the metal frame on the bottom of the engine.

Sold at: Authorized STIHL dealers nationwide from June 2009 to April 2010 for about \$550.

Manufactured in: United States

Remedy: STIHL informed purchasers for whom they had addresses directly by letter after April 15, 2010. Consumers should stop using this trimmer/brushcutter immediately and take it to an authorized STIHL dealer for a new ignition module, which will be installed at no cost to the consumer.

Consumer Contact: For more information, contact STIHL between 8 a.m. and 8 p.m. ET Monday through Friday at (800) 610-6677 or visit STIHL's website at www.stihlusa.com



Exhibit 3

Filed for in camera review pursuant to Protective Order

*This document is designated as Confidential and will be submitted
for in camera review pursuant to the Protective Order.*