

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

IN THE MATTER OF

LEACHCO, INC.

CPSC Docket No. 22-1

HON. MICHAEL G. YOUNG
PRESIDING OFFICER

WITNESS LIST OF RESPONDENT LEACHCO, INC.

Respondent Leachco, Inc., pursuant to the Court's Order Scheduling Prehearing Conference and 16 C.F.R. Pt. 1025, Appendix I, submits the following.

Leachco will call the following witnesses at the Hearing:

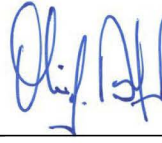
1. **Jamie Leach.** Ms. Leach will testify about the founding and history of Leachco, the Podster, and the harm caused to Leachco by the CPSC's unilateral announcement that the Podster is a hazardous product.
2. **Peggy Shibata.** Pursuant to 16 C.F.R. Pt. 1024.44(b), Ms. Shibata's direct testimony is set forth in her April 28, 2023 Report, which was filed and served on that date. Leachco reserves the right to conduct re-direct examination upon the CPSC's cross-examination.
3. **Umakanth Katwa.** (upon cross-examination). The CPSC has offered Dr. Katwa's April 28, 2023 Report as expert testimony. Pursuant to 16 C.F.R. Pt. 1025.44, Leachco will cross-examine and, if necessary, conduct re-cross-examination of Dr. Katwa.
4. **Celestine Kish.** (upon cross-examination). The CPSC has offered Ms. Kish's May 2, 2023 Corrected Report as expert testimony. Pursuant to 16 C.F.R. Pt. 1025.44, Leachco will cross-examine and, if necessary, conduct re-cross-examination of Ms. Kish.
5. **Erin Mannen.** (upon cross-examination). The CPSC has offered Dr. Mannen's April 28, 2023 Report as expert testimony. Pursuant to 16 C.F.R. Pt. 1025.44, Leachco will cross-examine and, if necessary, conduct re-cross-examination of Dr. Mannen.

Leachco may call the following witnesses at the Hearing:

1. **Alex Leach.** If called, Mr. Leach, the COO of Leachco, would testify about the founding and history of Leachco, the Podster, and the harm caused to Leachco by the CPSC's unilateral announcement that the Podster is a hazardous product. Mr. Leach may also be called as a rebuttal witness.
2. **Clyde Leach.** Mr. Leach may be called as a rebuttal witness.
3. **Mabry Ballard.** Ms. Ballard, an employee of Leachco, may be called as a rebuttal witness.
4. **Tonya Barrett.** Ms. Barrett, an employee of Leachco, may be called as a rebuttal witness.
5. **Leah Barnes.** Ms. Barnes, a former employee of Leachco, may be called as a rebuttal witness.
6. **Zachary Foster.** Mr. Foster is an employee of the CPSC. If called, Mr. Foster would be asked about the CPSC's procedures and practices concerning the investigation and analysis of potentially hazardous products, and his analysis of the Podster. Mr. Foster may also be called as a rebuttal witness.
7. **Hope Nesteruk.** Ms. Nesteruk is an employee of the CPSC. If called, Ms. Nesteruk would be asked about the CPSC's procedures and practices concerning the investigation and analysis of potentially hazardous products, and her analysis of the Podster. Ms. Nesteruk may also be called as a rebuttal witness.
8. **Suad Wanna-Nakamura.** Dr. Wanna-Nakamura is an employee of the CPSC. If called, Dr. Wanna-Nakamura would be asked about the CPSC's procedures and practices concerning the investigation and analysis of potentially hazardous products, and her analysis of the Podster. Dr. Wanna-Nakamura may also be called as a rebuttal witness.
9. **Celestine Kish.** Ms. Kish is an employee of the CPSC. If called, Ms. Kish would be asked about the CPSC's procedures and practices concerning the investigation and analysis of potentially hazardous products, and her pre-complaint analysis of infant products and the Podster. Ms. Kish may also be called as a rebuttal witness.

Dated: July 14, 2023.

Respectfully submitted,



JOHN F. KERKHOFF

Ohio Bar No. 0097134

FRANK D. GARRISON

Indiana Bar No. 34024-49

Pacific Legal Foundation

3100 Clarendon Boulevard, Suite 1000

Arlington, VA 22201

Telephone: 202.888.6881

Fax: 916.419.7747

JKerkhoff@pacificlegal.org

FGarrison@pacificlegal.org

OLIVER J. DUNFORD

Florida Bar No. 1017791

Pacific Legal Foundation

4440 PGA Blvd., Suite 307

Palm Beach Gardens, FL 33410

Telephone: 916.503.9060

Fax: 916.419.7747

ODunford@pacificlegal.org

Counsel for Respondent Leachco, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2023, I served, by electronic mail, the foregoing upon all parties of record in these proceedings:

<p>Honorable Michael G. Young Federal Mine Safety & Health Review Commission Office of the Chief Administrative Law Judge 1331 Pennsylvania Ave., N.W., Suite 520N Washington, D.C. 20004-1710 myoung@fmshrc.gov cjannace@fmshrc.gov whodnett@fmshrc.gov</p>	<p>Mary B. Murphy Director, Div. of Enforcement & Litigation U.S. Consumer Product Safety Comm'n 4330 East West Highway Bethesda, MD 20814 mmurphy@cpsc.gov</p> <p>Robert Kaye Assistant Executive Director Office of Compliance and Field Operations U.S. Consumer Product Safety Comm'n 4330 East West Highway Bethesda, MD 20814 rkaye@cpsc.gov</p> <p>Leah Ippolito, Supervisory Attorney Brett Ruff, Trial Attorney Rosalee Thomas, Trial Attorney Caitlin O'Donnell, Trial Attorney Michael Rogal, Trial Attorney Frederick C. Millett, Trial Attorney Gregory M. Reyes, Supervisory Attorney Complaint Counsel Office of Compliance and Field Operations U.S. Consumer Product Safety Comm'n Bethesda, MD 20814 lippolito@cpsc.gov bruff@cpsc.gov rbthomas@cpsc.gov codonnell@cpsc.gov mrogal@cpsc.gov fmillett@cpsc.gov greyes@cpsc.gov</p>
<p>Alberta Mills Secretary of the U.S. Consumer Product Safety Commission U.S. Consumer Product Safety Comm'n 4330 East West Highway Bethesda, MD 20814 amills@cpsc.gov ndipadova@cpsc.gov</p>	



Oliver J. Dunford
Counsel for Respondent Leachco, Inc.