

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of)	
)	
)	
TK ACCESS SOLUTIONS CORP. f/k/a)	CPSC DOCKET NO.: 21-1
THYSSENKRUPP ACCESS CORP.)	
)	
Respondent.)	
)	

**COMPLAINT COUNSEL’S MOTION FOR LEAVE TO FILE REPLY BRIEF
IN SUPPORT OF ITS MOTION TO COMPEL DISCOVERY**

On April 5, 2022, Complaint Counsel filed a Motion to Compel Discovery and supporting memorandum (collectively, “Motion to Compel”), seeking discovery concerning the corporate and financial relationships between Respondent TK Access Solutions Corp. f/k/a thyssenkrupp Access Corp. (“Respondent”) and other affiliated entities. Such discovery is necessary to ensure that an entity with adequate funding is properly named as Respondent and can satisfy any remedy so ordered by the Court. On April 15, 2022, Respondent filed its opposition, which contained numerous factual and legal inaccuracies regarding, *inter alia*, Complaint Counsel’s authority under section 15 of the Consumer Product Safety Act (“CPSA”) and its ability to seek discovery focused on piercing the corporate veil.

Complaint Counsel respectfully requests that it be granted leave to file a short reply brief of no more than five pages to address the factual and legal inaccuracies raised in Respondent’s opposition to Complaint Counsel’s Motion to Compel. The Court may permit this filing. *See* 16 C.F.R. § 1025.23(c). Complaint Counsel will not restate previous arguments raised in its Motion

to Compel and instead will present the Court with new factual material and a prior order from a CPSC administrative litigation compelling discovery related to piercing the corporate veil.

CONCLUSION

Respectfully, the Court should grant Complaint Counsel's leave to file a reply brief of no more than five pages. A proposed Order is attached hereto.

Dated this April 18, 2022.

Respectfully submitted,



Gregory M. Reyes, Supervisory Attorney
Michael J. Rogal, Trial Attorney
Frederick C. Millett, Trial Attorney
Joseph E. Kessler, Trial Attorney
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Complaint Counsel for
U.S. Consumer Product Safety Commission

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**[PROPOSED] ORDER GRANTING COMPLAINT COUNSEL’S
MOTION FOR LEAVE TO FILE REPLY BRIEF
IN SUPPORT OF ITS MOTION TO COMPEL DISCOVERY**

On April 5, 2022, Complaint Counsel filed a Motion to Compel Discovery and supporting memorandum, seeking discovery concerning the corporate and financial relationships between Respondent TK Access Solutions Corp. f/k/a thyssenkrupp Access Corp. (“Respondent”) and other affiliated entities. On April 15, 2022, Respondent filed its opposition to that motion. Complaint Counsel requests the opportunity to file a reply brief of no more than five pages to address “numerous factual and legal inaccuracies” in Respondent’s opposition brief, pursuant to 16 C.F.R. § 1025.23(c).

After considering Complaint Counsel’s Motion for Leave to File Reply Brief and Respondent’s Memorandum in Opposition to Complaint Counsel’s Motion to Compel, a short reply brief of no more than five pages appears warranted and should be filed by Complaint Counsel within three days of this Order.

Done and dated April ____ 2022
Arlington, VA

Mary F. Withum
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2022, I served Complaint Counsel's Motion for Leave to File Reply Brief in Support of its Motion to Compel Discovery as follows:

By email to the Secretary:

Alberta E. Mills
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U.S. Consumer Product Safety Commission
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By email to the Presiding Officer:

Hon. Mary F. Withum, Administrative Law Judge
c/o Alberta E. Mills
Secretary
U.S. Consumer Product Safety Commission
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By email to Counsel for Respondent:

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