

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

In the Matter of Amazon.com, Inc.,
Respondent.

CPSC Docket No. 21-2

Hon. James E. Grimes
Presiding Officer

JOINT MOTION TO EXTEND BRIEFING SCHEDULE BY ONE WEEK

Respondent Amazon.com, Inc. (“Respondent”) and Complaint Counsel (together, the “Parties”) hereby jointly move for a seven-day extension of the motion for summary decision briefing schedule in accordance with the seven-day extension of the discovery cutoff ordered by the Presiding Officer on August 18, 2022. *See* Dkt. 56. The only timing requirement placed on the filing of motions for summary decision is at least twenty days before a scheduled adjudicative hearing. *See* 16 C.F.R. § 1025.25(a). Beyond that singular requirement, the Presiding Officer has discretion to set briefing schedules and grant extensions subject to the general directive to “avoid unnecessary delay.” *Compare* 16 C.F.R. § 1025.2 *with* § 1025.31(g) (requiring “exceptional circumstances” for extending the deadline for completion of discovery).

There is good cause for a modest seven-day extension of the briefing schedule to:

- 1) recoup time spent collecting and reviewing documents produced following the Presiding Officer’s August 11 and August 22 orders on Amazon’s Motion to Compel, 2) enable sufficient review and incorporation of final deposition transcripts from depositions taken through August 26, and 3) accord with the Presiding Officer’s extension of the discovery cutoff from August 19 to August 26.

In particular, the Presiding Officer’s two Orders on Amazon’s Motion to Compel triggered two additional document productions totaling 1,935 pages. These productions required additional time and resources by Complaint Counsel to collect and produce, and by Amazon to review and incorporate for use in its August 26 deposition of the CPSC’s Rule 30(b)(6) representative. For both Parties, that effort required extensive time and resources originally slated for motion preparation and drafting pursuant to the existing case schedule. The Parties similarly dedicated significant time and resources in negotiating production of the remaining portions of the CPSC’s Section 15 Defect Investigations Manual and Regulatory Enforcement Division Standard Operating Procedure, which obviates the need for any further action by the Presiding Officer in connection to Amazon’s Motion to Compel. In short, the Parties’ extensive efforts expended in the final seven-days of the discovery period—time they had originally slated for motions drafting—was well spent to preserve judicial resources.

A seven-day extension of the motion briefing schedule to correspond with the Presiding Officer’s already-granted seven-day extension of the discovery cutoff would substantially benefit the Parties’ ability to meet the briefing deadline, and would restore the original time allotted for preparation of motions as contemplated in the Presiding Officer’s original case schedule. Nor will a seven-day adjustment to the case schedule meaningfully delay resolution of this matter.

The Parties therefore jointly request that the motion for summary decision briefing schedule be amended as follows:

- | | |
|---------------------|---|
| September 23, 2022: | Deadline for motions for summary decision |
| October 21, 2022: | Deadline for oppositions to motion for summary decision |

November 21, 2022:

Deadline for replies in support of motion for summary decision

Dated: August 31, 2022

Respectfully submitted,



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Hon. James E. Grimes
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[PROPOSED] ORDER

This matter, having come before the Presiding Officer on the Parties' Motion to Extend Briefing Schedule dated August 31, 2022, it is hereby ORDERED that the Motion is GRANTED.

It shall be further ORDERED:

I find good cause to extend the briefing schedule for the Parties' motions for summary decision by seven days. The schedule is revised as follows:

September 23, 2022:	Deadline for motions for summary decision
October 21, 2022:	Deadline for oppositions to motions for summary decision
November 21, 2022:	Deadline for replies in support of motions for summary decision

Dated: August _____, 2022

James E. Grimes
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2022, a true and correct copy of the foregoing document was, pursuant to the Order Following Prehearing Conference entered by the Presiding Officer on October 19, 2021:

- filed by email to 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.

Nicholas Griepsma

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