

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of)	
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)	
LEACHCO, INC.)	CPSC DOCKET NO. 22-1
)	
)	
Respondent.)	
)	

COMPLAINT COUNSEL’S MOTION TO COMPEL DISCOVERY

Pursuant to 16 C.F.R. §§ 1025.23, 1025.31(c), (i), 1025.33, and 1025.36, Complaint Counsel respectfully moves this Court to compel discovery and attaches its Memorandum in Support of its Motion to Compel Discovery. For the reasons detailed in the attached Memorandum, Respondent Leachco, Inc. (“Leachco”) has failed to respond adequately to Complaint Counsel’s Requests for Production (Dkt. No. 7) concerning communications regarding the subject matter of this proceeding.

As detailed in the attached Memorandum, Complaint Counsel is entitled to obtain this discovery in support of the administrative complaint that it filed in this litigation. The discovery requested is relevant to this proceeding and within the scope of discovery outlined in 16 C.F.R. § 1025.31(c). Complaint Counsel attempted to resolve this motion without judicial intervention through correspondence and meet and confer teleconference, but the parties were unable to come to an agreement.

Complaint Counsel respectfully requests that the Presiding Officer issue an Order compelling Leachco to, within ten (10) days of the date of such Order, make a full and complete production of all documents and information responsive to Complaint Counsel’s Requests for

Production Nos. 9, 10, and 11, including all of Leachco's communications related to the subject matter of this lawsuit, which includes internal company communications and communications sent to, or received from, third parties, such as customers and retailers.

Complaint Counsel also has included with this Motion a proposed Order compelling Leachco to produce the requested discovery. Discovery in this matter closes on January 20, 2023.

To the extent the Court may find it useful, Complaint Counsel requests oral argument on this Motion.

Dated this 10th day of August, 2022

Respectfully submitted,

/s/ Brett Ruff
Mary B. Murphy, Director
Leah Ippolito, Supervisory Attorney
Brett Ruff, Trial Attorney
Rosalee Thomas, Trial Attorney
Caitlin O'Donnell, Trial Attorney

Division of Enforcement and Litigation
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Complaint Counsel for
U.S. Consumer Product Safety Commission

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**[PROPOSED] ORDER ON COMPLAINT COUNSEL’S
MOTION TO COMPEL DISCOVERY**

This matter, having come before the Presiding Officer on Complaint Counsel’s Motion to Compel Discovery dated August 10, 2022, it is hereby ORDERED that the Motion is GRANTED.

It shall be further ORDERED:

Within ten (10) days of this Order, Respondent Leachco, Inc. (“Leachco”) shall produce a full and complete production of all responsive documents and things concerning Dkt. No. 7, Complaint Counsel’s First Set of Requests for Production to Leachco, Nos. 9–11, including all of Leachco’s communications related to the subject matter of this lawsuit, which includes internal company communications and communications sent to, or received from, third parties, such as customers and retailers.

Done and dated _____ 2022

Michael G. Young
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2022, I served Complaint Counsel's Motion to Compel Discovery and Memorandum in Support of Complaint Counsel's Motion to Compel Discovery on all parties and participants of record in these proceedings as follows:

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:

Judge Michael G. Young
Presiding Officer and Administrative Law Judge
Federal Mine Safety and Health Review Commission
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By email to Counsel for Respondent:

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/s/ Brett Ruff

Brett Ruff
Complaint Counsel for
U.S. Consumer Product Safety Commission