

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF THE CHIEF ADMINISTRATIVE LAW JUDGE
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August 4, 2023

In the Matter of

LEACHCO, INC.,

CPSC Docket No. 22-1

Respondent.

**ORDER MARKING COMPLAINT COUNSEL'S OFFER OF PROOF REGARDING
THE DECLARATION OF KONICA MCMULLEN AS EXHIBIT CCX-58**

Complaint Counsel submitted another Offer of Proof in response to this Court's reaffirmed decision to exclude Konica McMullen's testimony. *See* Compl. Counsel's Offer of Proof Regarding the Decl. of Konica McMullen (Aug. 3, 2023). The filing included Ms. McMullen's written declaration. *See id.* Ex. 1 [Decl. of Konica McMullen (Aug. 2, 2023)], at 1–3.

Commission Rules provide:

When an objection to proffered testimony or documentary evidence is sustained, the sponsoring party may make a specific offer, either in writing or orally, of what the party expects to prove by the testimony or the document. When an offer of proof is made, any other party may make a specific offer, either in writing or orally, of what the party expects to present to rebut or contradict the offer of proof. Written offers of proof of rebuttal, adequately marked for identification, shall accompany the record and be available for consideration by any reviewing party.

16 C.F.R. § 1025.43(f) (2023).

Complaint Counsel's Offer of Proof and accompanying exhibit is **MARKED** as CCX-58.

Michael G. Young
Administrative Law Judge

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