

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

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| _____) | |
| In the Matter of) | |
| BABY MATTERS, LLC) | CPSC DOCKET NO. 13-1 |
| Respondent.) | HON. WALTER J. BRUDZINSKI |
| _____) | Administrative Law Judge |

COMPLAINT COUNSEL'S MOTION TO PRODUCE DOCUMENTS *IN CAMERA*

Pursuant to 16 C.F.R. § 1025.45, Complaint Counsel seeks an order allowing the production *in camera* of confidential police records concerning an infant death that occurred in one of Respondent's Subject Products. The records were provided to the Commission pursuant to a subpoena as confidential, non-public records. Complaint counsel requested permission from the police department to release these records as responsive to discovery requests, and was advised by counsel for the police department that the records were private and could not be made public.

Complaint Counsel promptly advised counsel for Respondent that the report would not be included in discovery, and set forth the steps we expected to take to secure permission from the Court to release the reports. Respondent's counsel has no objection at this time to our proceeding in this manner.

The Presiding Officer has the authority, for good cause shown, to allow documents to be offered *in camera* and excluded from the public record. Because these documents are not public records and instead are highly sensitive law enforcement records containing details of the death

of an infant, Complaint Counsel requests that the Court allow the filing of these documents *in camera* and that they be excluded from the public record. 16 C.F.R. § 1025.45(a).¹

For good cause shown, Complaint Counsel requests that the Court allow these documents to be produced *in camera* and excluded from the public record.

March 11, 2013



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¹ If the Court grants this motion, Respondent may file a motion seeking access to the documents. See 16 C.F.R. § 1025.45(c)(2). Complaint Counsel would not oppose such a motion provided that the Court enters a protective order requiring Respondent to treat such documents as confidential and not disclose them. Furthermore, because the records were part of an “accident or investigation report made under [the Consumer Product Safety Act],” pursuant to 15 U.S.C. § 2074(c), the protective order should specify that the documents can only be disclosed to Respondent in redacted form, “in a manner which will not identify any injured person or any person treating him, without the consent of the person so identified....” 15 U.S.C. § 2074(c).