

UNITED STATES OF AMERICA  
CONSUMER PRODUCT SAFETY COMMISSION

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

**COMPLAINT COUNSEL’S REQUESTS FOR ADMISSION**

Pursuant to 16 C.F.R. § 1025.34, Complaint Counsel requests that Respondent admit or deny the truth of the matters asserted below and serve upon Complaint Counsel, within thirty days, written responses, under oath, to each of the requests.

**DEFINITIONS**

1. “You,” “your,” “Respondent,” the “Firm,” and “Baby Matters, LLC” means the Respondent to whom these discovery requests are directed (including if previously known under different names), including all past and present members, officers, directors, representatives, agents, and employees of the Respondent, all other past and present persons acting or purporting to act on the Respondent’s behalf (including, but not limited to, all past or present agents and employees exercising discretion, discharging duties, making policy, or making decisions with respect to the Respondent), and all past and present parents, subsidiaries, divisions, or branches of the Respondent.

2. “Manufacture” means to “manufacture, produce, or assemble” as defined in 15 U.S.C. § 2052(a)(10).

3. “Nap Nanny generation one” means the first generation model of the Nap Nanny infant recliner manufactured and sold by Respondent from approximately January 2009 through August 2009.

4. “Nap Nanny generation two” means the second generation model of the Nap Nanny infant recliner manufactured and sold by Respondent from approximately August 2009 through December 2010.

5. “Nap Nanny Chill” means the model of the Nap Nanny infant recliner manufactured and sold by Respondent beginning approximately January 2011.

6. The words “and” and “or” shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

7. The use of the past tense shall include the present tense, and the use of the present tense shall include the past tense, so as to make all definitions and requests inclusive rather than exclusive.

8. The singular shall include the plural, and vice versa.

### **REQUESTS FOR ADMISSION**

Please admit or deny the truth of the matters asserted as required by 16 C.F.R. § 1025.34:

1. If a Nap Nanny generation one is placed in a crib, an infant can move to the side of the Nap Nanny generation one and become entrapped between the Nap Nanny generation one and the crib.
2. If a Nap Nanny generation two is placed in a crib, an infant can move to the side of the Nap Nanny generation two and become entrapped between the Nap Nanny generation two and the crib.

3. If a Nap Nanny Chill is placed in a crib, an infant can move to the side of the Nap Nanny Chill and become entrapped between the Nap Nanny Chill and the crib.
4. If a Nap Nanny generation one is placed in a crib, an infant can move to the side of the Nap Nanny generation one and become entrapped between the Nap Nanny generation one and the crib, which may lead to suffocation.
5. If a Nap Nanny generation two is placed in a crib, an infant can move to the side of the Nap Nanny generation two and become entrapped between the Nap Nanny generation two and the crib, which may lead to suffocation.
6. If a Nap Nanny Chill is placed in a crib, an infant can move to the side of the Nap Nanny Chill and become entrapped between the Nap Nanny Chill and the crib, which may lead to suffocation.
7. If a Nap Nanny generation one is placed in a crib, an infant can move to the side of the Nap Nanny generation one and become entrapped between the Nap Nanny generation one and the crib, which may lead to suffocation, and this could happen even if the infant is secured to the harness.
8. If a Nap Nanny generation two is placed in a crib, an infant can move to the side of the Nap Nanny generation two and become entrapped between the Nap Nanny generation two and the crib, which may lead to suffocation, and this could happen even if the infant is secured to the harness.
9. If a Nap Nanny Chill is placed in a crib, an infant can move to the side of the Nap Nanny Chill and become entrapped between the Nap Nanny Chill and the crib, which may lead to suffocation, and this could happen even if the infant is secured to the harness.

10. If the Nap Nanny generation one is placed inside a crib, which is not a recommended use, the infant can fall or hang over of the side of the Nap Nanny generation one and become entrapped between the crib side and the Nap Nanny generation one and suffocate.
11. If the Nap Nanny generation two is placed inside a crib, which is not a recommended use, the infant can fall or hang over of the side of the Nap Nanny generation two and become entrapped between the crib side and the Nap Nanny generation two and suffocate.
12. If the Nap Nanny Chill is placed inside a crib, which is not a recommended use, the infant can fall or hang over of the side of the Nap Nanny Chill and become entrapped between the crib side and the Nap Nanny Chill and suffocate.
13. If the Nap Nanny generation one is placed on a table, countertop, or other elevated surface and a child falls over the side, it poses a risk of serious injury.
14. If the Nap Nanny generation two is placed on a table, countertop, or other elevated surface and a child falls over the side, it poses a risk of serious injury.
15. If the Nap Nanny Chill is placed on a table, countertop, or other elevated surface and a child falls over the side, it poses a risk of serious injury.
16. It is unsafe to use the Nap Nanny generation one anywhere except the floor.
17. Use of the Nap Nanny generation one in a crib creates a substantial risk of injury to an infant user.
18. It is unsafe to use the Nap Nanny generation two anywhere except the floor.
19. Use of the Nap Nanny generation two in a crib creates a substantial risk of injury to an infant user.
20. It is unsafe to use the Nap Nanny Chill anywhere except the floor.
21. Use of the Nap Nanny Chill in a crib creates a substantial risk of injury to an infant user.

22. Use of the Nap Nanny generation one without attaching the harness snugly around the infant creates a substantial risk of injury to an infant user.
23. Use of the Nap Nanny generation two without attaching the harness snugly around the infant creates a substantial risk of injury to an infant user.
24. Use of the Nap Nanny Chill without attaching the harness snugly around the infant creates a substantial risk of injury to an infant user.
25. Although you have warned consumers not to use the Nap Nanny generation one in a crib, consumers have continued to use the Nap Nanny generation one in cribs.
26. Although you have warned consumers not to use the Nap Nanny generation two in a crib, consumers have continued to use the Nap Nanny generation two in cribs.
27. Although you have warned consumers not to use the Nap Nanny Chill in a crib, consumers have continued to use the Nap Nanny Chill in cribs.
28. Although you have warned consumers not to use the Nap Nanny generation one without the harness securely attached, consumers have continued to use the Nap Nanny generation one without the harness securely attached.
29. Although you have warned consumers not to use the Nap Nanny generation two without the harness securely attached, consumers have continued to use the Nap Nanny generation two without the harness securely attached.
30. Although you have warned consumers not to use the Nap Nanny Chill without the harness securely attached, consumers have continued to use the Nap Nanny Chill without the harness securely attached.
31. The Nap Nanny generation one contains a product defect which creates a substantial risk of injury to the public.

32. The Nap Nanny generation one contains a defect which could create a substantial product hazard at that term is defined in 15 U.S.C. § 2064(a).
33. The Nap Nanny generation one presents a substantial product hazard as that term is defined in 15 U.S.C. § 2064(a).
34. Baby Matters, LLC voluntarily recalled the Nap Nanny generation one.
35. The Nap Nanny generation one was subject to voluntary corrective action taken by Respondent.
36. Baby Matters, LLC voluntarily recalled the Nap Nanny generation two.
37. The Nap Nanny generation two was subject to voluntary corrective action taken by Respondent.
38. Consumers should not use the Nap Nanny generation one.
39. Consumers should not use the Nap Nanny generation one because it contains a defect.
40. Consumers should not use the Nap Nanny generation one because it contains a defect which creates a substantial risk of injury to the public.
41. Baby Matters, LLC is no longer manufacturing the Nap Nanny generation one.
42. Baby Matters, LLC is no longer manufacturing the Nap Nanny generation two.
43. Baby Matters, LLC is no longer manufacturing the Nap Nanny Chill.
44. Baby Matters, LLC is no longer selling the Nap Nanny generation one.
45. Baby Matters, LLC is no longer selling the Nap Nanny generation two.
46. Baby Matters, LLC is no longer selling the Nap Nanny Chill.
47. Baby Matters, LLC is no longer selling covers for the Nap Nanny generation one.
48. Baby Matters, LLC is no longer selling covers for the Nap Nanny generation two.
49. Baby Matters, LLC is no longer selling covers for the Nap Nanny Chill.

50. Baby Matters, LLC has no plans to manufacture the Nap Nanny generation one in the future.
51. Baby Matters, LLC has no plans to manufacture the Nap Nanny generation two in the future.
52. Baby Matters, LLC has no plans to manufacture the Nap Nanny Chill in the future.
53. Baby Matters, LLC has no plans to sell the Nap Nanny generation one in the future.
54. Baby Matters, LLC has no plans to sell the Nap Nanny generation two in the future.
55. Baby Matters, LLC has no plans to sell the Nap Nanny Chill in the future.
56. Baby Matters, LLC is no longer manufacturing any consumer products.
57. Baby Matters, LLC is no longer selling any consumer products.



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February 19, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that I have served Complaint Counsel's Requests for Admission, upon all parties and participants of record in these proceedings by mailing, postage prepaid a copy to each on February 19, 2013.

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