

UNITED STATES OF AMERICA  
CONSUMER PRODUCT SAFETY COMMISSION

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In the Matter of	)	
	)	
BRITAX CHILD SAFETY, INC.	)	CPSC DOCKET NO.: 18-1
	)	
	)	
Respondent.	)	
_____	)	

**COMPLAINT COUNSEL’S APPLICATION FOR THE ISSUANCE  
OF SUBPOENAS ON NON-PARTIES ROGER MALINOWSKI,  
MICHAEL BAUGHMAN, AND DONALD HANCOCK  
(ATTACHMENT A FILED *IN CAMERA*)**

Pursuant to 16 C.F.R. § 1025.38, which requires the issuance of a subpoena to any non-party for the purpose of compelling attendance, testimony, and production of documents at a hearing or deposition, Complaint Counsel respectfully requests that the Presiding Officer forward, and that the Commission issue, the three subpoenas submitted concurrently with this Application.

Complaint Counsel has attached a document to this Application (Attachment A). Pursuant to paragraph 9 of the Protective Order entered by this Court on April 23, 2018, Attachment A is being filed *in camera* because Respondent has designated the material within Attachment A as “Confidential – Subject to Protective Order.”

The non-parties named in the subpoenas are Roger Malinowski, Michael Baughman, and Donald Hancock. Roger Malinowski was the co-founder of B.O.B. Trailers, Inc. (“B.O.B.”) and was the CEO of B.O.B. at the time B.O.B. was merged with and into Respondent Britax Child Safety, Inc. (“Respondent”). Michael Baughman was a Technical Director for B.O.B. from 2001

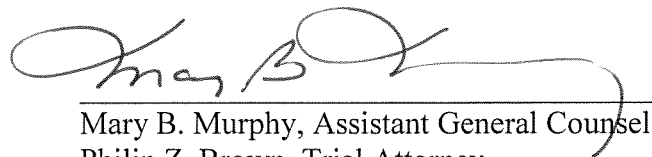
through 2011, and was a consultant for Respondent following B.O.B.'s merger with and into Respondent. Donald Hancock was a Quality Assurance Manager for B.O.B. from 2009 through 2011, and served as a consultant to Respondent following B.O.B.'s merger with and into Respondent.

Based upon discovery conducted thus far, Complaint Counsel believes that these three non-parties have critical, relevant information regarding the single and double occupant 3-wheeled B.O.B. jogging strollers at issue in this matter ("Subject Products"), including, but not limited to, information regarding the design of the quick release mechanism and front wheel assembly, incident information related to the Subject Products, and information about consumers' interactions with the quick release and front wheel assembly. *See Attachment A, filed in camera.*

Accordingly, Complaint Counsel requests that the Presiding Officer forward this Application and the subpoenas to the Commission for appropriate action.

Dated: July 13, 2018

Respectfully submitted,



Mary B. Murphy, Assistant General Counsel  
Philip Z. Brown, Trial Attorney  
Gregory M. Reyes, Trial Attorney  
Daniel R. Vice, Trial Attorney  
Division of Compliance  
Office of the General Counsel  
U.S. Consumer Product Safety Commission  
Bethesda, MD 20814  
Tel: (301) 504-7809

Complaint Counsel  
U.S. Consumer Product Safety Commission  
Bethesda, MD 20814

# **ATTACHMENT A**

**CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER  
FILED *IN CAMERA***



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**ORDER TRANSMITTING COMPLAINT COUNSEL’S APPLICATION FOR THE  
ISSUANCE OF SUBPOENAS ON NON-PARTIES ROGER MALINOWSKI,  
MICHAEL BAUGHMAN, AND DONALD HANCOCK  
(ATTACHMENT A FILED *IN CAMERA*)**

On July 13, 2018, Complaint Counsel for the U.S. Consumer Product Safety Commission filed an Application for the Issuance of Subpoenas on Non-Parties Roger Malinowski, Michael Baughman, and Donald Hancock. An email designated as Attachment A was filed *in camera* in accordance with the April 23, 2018 Protective Order. For good cause shown, the Court orders that Attachment A be filed and designated *in camera*.

Pursuant to 16 C.F.R. § 1025.38(c), the application is hereby transmitted to the Secretary so that it may be forwarded to the Commission.

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Cameron Elliot  
Administrative Law Judge



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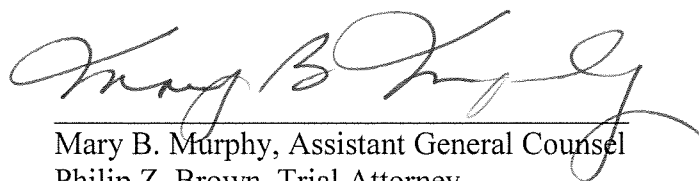
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\_\_\_\_\_  
Cameron Elliot  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on July 13, 2018, I served Complaint Counsel's Application for the Issuance of Subpoenas on Non-Parties Roger Malinowski, Michael Baughman, and Donald Hancock (Attachment A Filed *in camera*) upon all parties and participants of record in these proceedings by electronic mail ("Email"), as described below:

Service by Email to the Presiding Officer:

The Honorable Cameron Elliot  
Office of Administrative Law Judges  
Securities and Exchange Commission  
100 F Street, NE  
Mail Stop 2582  
Washington, DC 20549  
Email: ALJ@sec.gov


Service 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

Service by Email to Counsel for Respondent:

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Mary B. Murphy, Assistant General Counsel  
Complaint Counsel  
U.S. Consumer Product Safety Commission