

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

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

**RESPONDENT’S FIRST SET OF REQUESTS FOR ADMISSION TO
CONSUMER PRODUCT SAFETY COMMISSION**

Pursuant to 16 C.F.R. § 1025.34, Respondent Britax Child Safety, Inc. (“Britax”) hereby requests that the Consumer Product Safety Commission (“CPSC”) admit the truth of each of the following matters under oath and in writing within 30 days of service hereof.

DEFINITIONS AND INSTRUCTIONS

A. In the following requests for admission:

1. “You,” or “your,” shall mean the CPSC, and includes the staff and, where applicable, the Commissioners.

2. “Document” shall mean the original and all non-identical copies of all written, printed, typed, graphic, and photographic matter of any kind or nature, and all mechanical or electronic audio and/or visual recordings or transcripts thereof, however produced or reproduced, and all entries in a computer or electronic database (including Twitter and any other form of social media) of any kind, including but not limited to: correspondence, telexes, telegrams, telephone messages, statements, voice mail, electronic mail, and all other computer files or data, claim forms, incident reports, intake forms or histories, summaries or records of telephone conversations, memoranda, records, summaries or records of personal conversations or

interviews, medical records, X-rays, MRIs, CT-scans, ultrasound images, and all other radiologic or radiographic films, invoices, contracts, agreements, orders, books, calendars, diaries, reports, notebooks, photographs, videos (digital or otherwise), slides, charts, notes, plans, drawings, sketches, maps, summaries or records of meetings or conferences, drafts or letters, now or formerly in the possession, custody or control of CPSC, CPSC's attorneys, representatives, employees or agents.

3. "Person" shall mean any natural person, corporation, partnership, unincorporated association, joint venture, trust, estate, public or quasi-public entity, or any other legal entity.

4. "Identify," "state the identity of," "identification," or "describe":

a. When used in reference to an individual, shall mean to state his or her full name, maiden or former names, present or last known home and business address and telephone numbers, and present or last known occupation, employer and job title or description; or if none of the information is known, then the name, present home and business address and telephone numbers of all individuals who likely or may be able to provide all or part of the information.

b. When used in reference to an organization of any kind, shall mean to state its full name, its state of incorporation (if applicable), the address of its principal place of business and its telephone numbers.

c. When used in reference to a document, shall mean to state the type of document, its date, the identity of its author(s) and its recipient(s), any title and/or serial number or file number appearing on the document, the identity of its present custodian, its present location and a brief description of its subject matter. If any such document was, but no

longer is, in your possession or control or in existence, state whether it (i) is missing or lost, (ii) has been destroyed, (iii) has been transferred to others, or (iv) has been otherwise disposed of. In lieu of identifying a document, a copy of the document can be produced.

5. The term “Complaint” shall mean your Complaint filed against Britax in the above-captioned matter.

6. The term “Subject Products” shall mean the products referred to in paragraph 1 of your Complaint.

7. The term “Stroller” shall mean a wheeled vehicle for the transport of infants or children generally in a sitting-up or semi-reclined position. The motive power is supplied by a person moving at a walking rate while pushing on a handle attached to the Stroller. A Stroller generally is capable of being folded for storage. Strollers normally are used for children from infancy to 36 months of age.

8. The term “Jogging Stroller” shall mean a Stroller intended to be used for children at a jogging rate (run at a steady slow trot).

9. The term “Front Wheel Attachment System” shall mean a front wheel fork assembly containing dropouts with secondary wheel retention devices to enable consumers to quickly detach and remove the front wheel by disengaging the quick release cam mechanism.

B. These requests shall be deemed continuing to the extent permitted by 16 C.F.R. § 1025.31(f) so as to require prompt further responses if additional information or documents are obtained between the time the responses were served and the time of trial.

C. If any privilege is claimed with respect to any answer or document, please state with respect to each such claim of privilege the identity of the item with respect to which the privilege is claimed with sufficient particularity to enable the matter to be brought before the

Court for a ruling on such a claim, and state the alleged ground of privilege and the complete factual basis for such a claim.

INSTRUCTIONS

A. The answers to these requests for admissions shall specifically admit or deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission.

B. When good faith requires that a party qualify an answer or deny only a part of the matter to which an admission is requested, the party shall specify the portion that is true and qualify or deny the remainder.

C. The words "and" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive. The word "including" shall be construed to mean without limitation. The words "any" and "all" shall be construed so as to make the request inclusive rather than exclusive.

D. 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 discovery requests inclusive rather than exclusive.

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

F. These requests for admissions shall be read, interpreted, and answered in accordance with these instructions and the definitions set forth herein. If the meaning of any word or phrase used herein is unclear, the Complaint Counsel are requested to contact Respondent's counsel for the purpose of resolving any ambiguity. If any request cannot be answered in full after exercising the required diligence, it shall be answered to the extent possible with a full statement of all efforts to fully answer and of all reasons a full answer cannot be made.

REQUESTS FOR ADMISSION

1. Admit that the front wheel of the Subject Products do not detach from the removable wheel fork assembly when the quick release cam mechanism is released and a 25 lbf separation pull force is applied to the wheel on a line along the slots in the fork ends or the direction most likely to cause detachment.
2. Admit that the Subject Products incorporate a secondary retention device.
3. Admit that when the front wheel of a Subject Product is attached and the Front Wheel Attachment System is engaged properly, the front wheel cannot detach during use.
4. Admit that when the front wheel of a Subject Product is attached and the Front Wheel Attachment System is engaged properly, the front wheel will be secured to the front fork of the Subject Product.
5. Admit that Subject Products that are equipped with a Front Wheel Attachment System for the front wheels to permit fast removal of the front wheels for storage and/or transport.
6. Admit that front wheels on the Subject Products that are installed with a Front Wheel Attachment System can be reattached quickly and securely to the wheel fork when installed properly.
7. Admit that The CPSC Stroller Standard (16 C.F.R. Part 1227) permits the use of a Front Wheel Attachment System on Jogging Strollers to secure the front wheel to the wheel fork.
8. Admit that as published on March 10, 2014 and as adopted unanimously by the Commission, the CPSC Stroller Standard incorporates by reference the ASTM F833-13 standard.

9. Admit that CPSC participated with ASTM stakeholders in task groups to develop the requirements contained in ASTM F833-13 and to improve certain requirements to address the hazards identified in the incident data.

10. Admit that ASTM F833-13 includes a safety performance requirement and associated test procedure to address the risk of injury from the detachment of the front wheel from a three-wheeled Jogging Stroller.

11. Admit that the safety performance requirement and associated test procedure contained in ASTM F833-13 to address the risk of injury from front wheel detachment from a three-wheeled Jogging Stroller is essentially identical to the safety performance requirement and associated test procedure contained in ASTM F2680-09, *Standard Specification for Manually Operated Front Wheel Retention Systems for Bicycles*.

12. Admit that the safety performance requirement and associated test procedure contained in ASTM F833-13 to address the risk of injury from front wheel detachment from a three-wheeled Jogging Stroller was adopted unanimously by the U.S. Consumer Product Safety Commission as a mandatory Consumer Product Safety Standard, and published on March 10, 2014.

13. Admit that, in adopting ASTM F833-13 as a mandatory Consumer Product Safety Standard (16 C.F.R. Part 1227), the Commission found that the safety performance requirements contained in the standard (ASTM F833-13) were reasonably necessary to eliminate or reduce the unreasonable risk of injury associated with wheel detachments from Jogging Strollers.

14. Admit that CPSC did not recommend or adopt any change to the safety performance requirement and associated test procedure contained in ASTM F833-13 to address the risk of injury from front wheel detachment from a three-wheeled Jogging Stroller when the

Commission adopted the standard as a mandatory Consumer Product Safety Standard, published on March 10, 2014.

15. Admit that the ASTM revised ASTM F833-15 in the 1st quarter of FY2016.

16. Admit that the ASTM officially notified the CPSC in April 2016 about the revision to ASTM F833-15.

17. Admit that CPSC considered the 2016 revision to ASTM F833-15 in May and/or June 2016 and unanimously accepted this revision.

18. Admit that, effective October 2, 2016, ASTM F833-15 became the mandatory Consumer Product Safety Standard under 16 C.F.R. Part 1227.

19. Admit that the CPSC's consideration of the 2016 revision to ASTM F833-15 provided the CPSC with the opportunity to consider any further revision to ASTM F833-15 that it believed was necessary to further reduce the risk of injury associated with wheel detachments from Jogging Strollers.

20. Admit that CPSC was aware of 429 non-NEISS reported incidents of wheel-related hazards, some of which were wheel detachments, at the time it proposed to adopt ASTM F833-13 as a mandatory standard in 2013.

21. Admit that more than half of the 429 non-NEISS reported incidents known to CPSC in 2013 involved alleged wheel-related hazards on Jogging Strollers manufactured by a manufacturer other than the Respondent.

22. Admit that CPSC was aware of 25 additional non-NEISS reported incidents of wheel-related hazards on Jogging Strollers at the time it unanimously adopted ASTM F833-13 as a mandatory standard in 2014.

23. Admit that more than half of the 25 additional non-NEISS reported incidents known to CPSC in 2014 involved alleged wheel-related hazards on Jogging Strollers manufactured by a manufacturer other than the Respondent.

24. Admit that in 2017, CPSC staff provided ASTM with 28 Epidemiological Investigation Reports (also known as In-Depth Investigation Reports, or IDI Reports) involving alleged wheel detachments from Jogging Strollers.

25. Admit that the 28 IDI Reports provided to ASTM by CPSC staff were dated between September 2012 and July 2017.

26. Admit that more than half of the 28 IDI Reports provided to ASTM by CPSC staff involved alleged wheel detachments on Jogging Strollers manufactured by a manufacturer other than the Respondent.

27. Admit that CPSC is unaware of any Jogging Stroller model in the market equipped with a Front Wheel Attachment System that prevents a consumer from operating the stroller without the front wheel being secured correctly.

28. Admit that CPSC is unaware of any bicycle model in the market equipped with a Front Wheel Attachment System that prevents a consumer from operating the bicycle without the front wheel being secured correctly.

29. Admit that CPSC is unaware of any Jogging Stroller model in the market equipped with a bicycle-style, Front Wheel Attachment System that is incapable of improper reinstallation of a removed front wheel.

30. Admit that CPSC is unaware of any bicycle model in the market equipped with a Front Wheel Attachment System that is incapable of improper reinstallation of a removed front wheel.

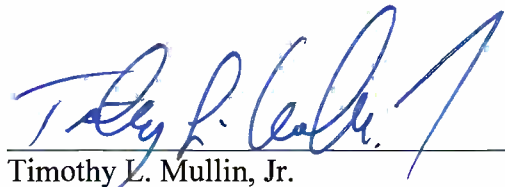
31. Admit that between 2016 and 2017, CPSC staff tested Subject Products to evaluate the risk of wheel detachment.

32. Admit that CPSC was unable to induce a wheel detachment on Jogging Strollers when the quick release mechanism was engaged properly.

33. Admit that the risk of injury from a front wheel detachment on a Jogging Stroller resulting from an improperly engaged front wheel is caused by the same aspect of the product that creates its utility; namely, the easy removal and reinstallation of the front wheel without tools.

34. Admit that the risk of injury from a front wheel detachment on a Jogging Stroller resulting from an improperly engaged front wheel is caused by the same aspect of the product that creates its utility; namely, the easy removal and reinstallation of the front wheel using the Front Wheel Attachment System.

Dated: March 16, 2018



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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2018, a true and correct copy of Respondent's First Set of Requests for Admission to Consumer Product Safety Commission was served first class, postage prepaid, U.S. Mail on the Secretary of the U.S. Consumer Product Safety Commission, and all parties and participants of record in these proceeding in the following manner:

Original and three copies by U.S. Mail, and one copy by electronic mail, to the Secretary of the U.S. Consumer Product Safety Commission, Alberta Mills:

Alberta Mills
Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814
amills@cpsc.gov

One copy by U.S. Mail to the Presiding Officer:

Presiding Officer
c/o Alberta Mills
Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

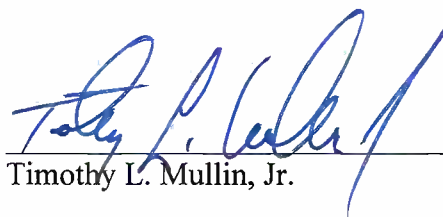
One copy by U.S. Mail and one copy by electronic mail to Complaint Counsel:

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