

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF THE CHIEF ADMINISTRATIVE LAW JUDGE
1331 PENNSYLVANIA AVE., N.W., SUITE 520N
WASHINGTON, DC 20004-1710
TELEPHONE: 202-434-9950
FAX: 202-434-9949

July 21, 2023

In the Matter of

LEACHCO, INC.,

CPSC Docket No. 22-1

Respondent.

**ORDER DISMISSING AS MOOT LEACHCO, INC.'S MOTION FOR SANCTIONS AND
ORDER THAT CERTAIN REQUESTS FOR ADMISSION BE DEEMED ADMITTED**

**ORDER DIRECTING AGREED UPON AMENDMENT TO REQUESTS FOR
ADMISSION 147 AND 148**

Respondent moved for sanctions, requesting that several requests for admission (“RFA”) be deemed admitted because of inadequate and non-responsive answers. Leachco, Inc.’s Mot. for Sanctions & Order that Certain Reqs. for Admission be Deemed Admitted, at 1 (June 6, 2023). Acknowledging the approaching hearing date, and the progress the parties had thus far made in discovery, this Court deferred ruling on the motion and ordered the parties to confer and stipulate to facts. *See* Order Deferring Ruling on Leachco, Inc.’s Mot. for Sanctions & Order that Certain Reqs. for Admission be Deemed Admitted & Order Requiring Parties to Confer and Stipulate Facts, at 1–2 (July 7, 2023).

The parties conferred and responded jointly, resolving all disputes associated with the motion. Complaint Counsel agreed to amend its responses to RFA Nos. 147 and 148 to “Denied.” Joint Resp. to the Presiding Officer’s July 7, 2023 Order (Dkt. No. 100), at 1 (July 18, 2023). Respondent agreed to withdraw its arguments regarding all other RFAs that were the subject of the motion. *Id.* at 1–2.

As there is no remaining controversy, Respondent’s motion for sanctions is **DISMISSED** as moot. Complaint Counsel is **DIRECTED** to served amended responses to RFA Nos. 147 and 148.



Michael G. Young
Administrative Law Judge

Distribution:

Brett Ruff, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, bruff@cpsc.gov

Rosalee Thomas, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, rbthomas@cpsc.gov

Caitlin O'Donnell, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, codonnell@cpsc.gov

Michael J. Rogal, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, mrogal@cpsc.gov

Gregory Reyes, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, greyes@cpsc.gov

Frank Perilla, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, fperilla@cpsc.gov

Thomas J. Mendel, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, tmendel@cpsc.gov

Oliver J. Dunford, Pacific Legal Foundation, 4440 PGA Blvd., Suite 307, Palm Beach Gardens, FL 33410, ODunford@pacificlegal.org

John F. Kerkhoff, Pacific Legal Foundation, 3100 Clarendon Boulevard, Suite 610, Arlington, VA 22201, JKerkhoff@pacificlegal.org

Frank Garrison, Pacific Legal Foundation, 3100 Clarendon Boulevard, Suite 610, Arlington, VA 22201, FGarrison@pacificlegal.org

Jessica L. Thompson, Pacific Legal Foundation, 3100 Clarendon Boulevard, Suite 610, Arlington, VA 22201, JLThompson@pacificlegal.org

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