


UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

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

**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.



Cameron Elliot
Administrative Law Judge

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

_____)	
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

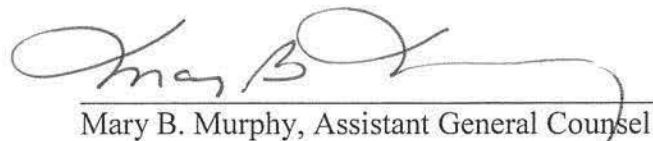
through 2011, and was a consultant for Respondent following B.O.B.'s merger with and into Respondent. Donald Hancock was a Quality Assurance Manager for B.O.B. from 2009 through 2011, and served as a consultant to Respondent following B.O.B.'s merger with and into Respondent.

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***

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

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

**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.



Cameron Elliot
Administrative Law Judge

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

_____)	
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***


UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

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

**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.



Cameron Elliot
Administrative Law Judge

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

_____)	
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

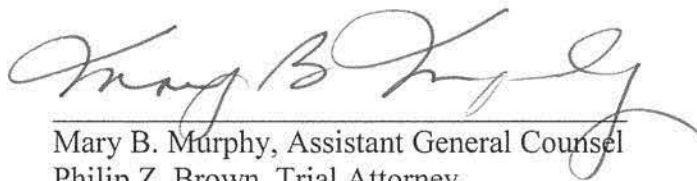
through 2011, and was a consultant for Respondent following B.O.B.'s merger with and into Respondent. Donald Hancock was a Quality Assurance Manager for B.O.B. from 2009 through 2011, and served as a consultant to Respondent following B.O.B.'s merger with and into Respondent.

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***

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:

Timothy L. Mullin, Jr.
Dwight W. Stone II
Susan DuMont
Miles & Stockbridge P.C.
100 Light Street
Baltimore, MD 21202
Email: tmullin@milesstockbridge.com
dstone@milesstockbridge.com
sdumont@milesstockbridge.com

Erika Z. Jones
Adam C. Sloane
Mayer Brown LLP
1999 K Street, N.W.
Washington, D.C. 20006
Email: ejones@mayerbrown.com
asloane@mayerbrown.com



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