

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

_____)	
In the Matter of)	
)	
LEACHCO, INC.)	CPSC DOCKET NO. 22-1
)	
)	Hon. Michael G. Young
)	Presiding Officer
Respondent.)	
_____)	

**STIPULATION AND JOINT MOTION TO SET SCHEDULE FOR
LEACHCO TO COMPLY WITH DECEMBER 16, 2022 ORDER AND THE
DEPOSITIONS OF LEACHCO EMPLOYEES**

Pursuant to 16 C.F.R. § 1025.23, Complaint Counsel and Respondent Leachco, Inc. (“Leachco”) agree and stipulate to the scheduling items set forth below and jointly move the Presiding Officer to enter an Order consistent with this stipulation:

WHEREAS, on December 16, 2022, this Court issued an Order Denying Leachco’s Motion for Protective Order and Order Granting Complaint Counsel’s Motion to Compel Production of Electronic Communications Pursuant to Complaint Counsel’s Second Set of Requests for Production of Document to Respondent (“December 16 Order”);

WHEREAS, the December 16 Order did not contain a specific deadline by which Leachco must comply with the Order; and

WHEREAS, on December 21, 2022, Complaint Counsel filed a Motion to Compel Depositions or, in the Alternative, Motion for Leave to Take Depositions (“Motion to Compel Depositions”), seeking the depositions of six Leachco employees.

Complaint Counsel and Leachco hereby agree and stipulate:

1. Leachco will fully comply with the December 16 Order, including without limitation by producing all responsive documents and amending its discovery responses, by no later than January 17, 2023.
2. Leachco will make the following employees available for deposition on the following dates at the following times and in the following manners:¹
 - a. Mabry Ballard – January 31, 2023 at 10 a.m. Eastern – Virtual deposition
 - b. Tonya Barrett – February 1, 2023 at 10 a.m. Eastern – Virtual deposition
 - c. Daniel Marshall – February 14, 2023 at 10 a.m. Eastern – Virtual deposition
 - d. Alex Leach – February 15, 2023 at 10 a.m. Eastern – Virtual deposition
 - e. Clyde Leach – February 28, 2023 at 9 a.m. Central – In-person deposition in or close to Ada, Oklahoma
 - f. Jamie Leach – March 1, 2023 at 9 a.m. Central – In-person deposition in or close to Ada, Oklahoma

///

///

///

///

///

///

¹ If this Motion is granted by the Presiding Officer, Complaint Counsel will issue corresponding deposition notices.

In light of the parties' stipulations set forth above, Complaint Counsel requests that its Motion to Compel Depositions be treated as withdrawn without prejudice if the Presiding Officer issues an order adopting the parties' stipulations.

Dated this 23rd day of December, 2022

Respectfully submitted,

/s/ Michael J. Rogal

Gregory M. Reyes, Supervisory Attorney
Brett Ruff, Trial Attorney
Michael J. Rogal, Trial Attorney

Division of Enforcement and Litigation
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
Bethesda, MD 20814
Tel: (301) 504-7220

Complaint Counsel for
U.S. Consumer Product Safety Commission

/s/ Oliver J. Dunford

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

John F. Kerkhoff
Frank D. Garrison
Pacific Legal Foundation
3100 Clarendon Boulevard, Suite 610
Arlington, VA 22201
Email: JKerkhoff@pacificlegal.org
FGarrison@pacificlegal.org

Counsel for Respondent Leachco, Inc.

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of)	
)	
)	
LEACHCO, INC.)	CPSC DOCKET NO. 22-1
)	
)	Hon. Michael G. Young
)	Presiding Officer
Respondent.)	
)	

**[PROPOSED] ORDER ON JOINT MOTION TO SET SCHEDULE FOR
LEACHCO TO COMPLY WITH DECEMBER 16, 2022 ORDER AND THE
DEPOSITIONS OF LEACHCO EMPLOYEES**

This matter, having come before the Presiding Officer on the Joint Motion to Set Schedule for Leachco to Comply with December 16, 2022 Order and the Depositions of Leachco Employees, it is hereby ORDERED that the Joint Motion is GRANTED. It is further ORDERED:

1. Respondent Leachco, Inc. (“Leachco”) shall fully comply with this Court’s December 16, 2022 Order Denying Leachco’s Motion for Protective Order and Order Granting Complaint Counsel’s Motion to Compel Production of Electronic Communications Pursuant to Complaint Counsel’s Second Set of Requests for Production of Document to Respondent, including without limitation by producing all responsive documents and amending its discovery responses, by no later than January 17, 2023.
2. Leachco shall make the following employees available for deposition on the following dates at the following times and in the following manners:

- a. Mabry Ballard – January 31, 2023 at 10 a.m. Eastern – Virtual deposition
 - b. Tonya Barrett – February 1, 2023 at 10 a.m. Eastern – Virtual deposition
 - c. Daniel Marshall – February 14, 2023 at 10 a.m. Eastern – Virtual deposition
 - d. Alex Leach – February 15, 2023 at 10 a.m. Eastern – Virtual deposition
 - e. Clyde Leach – February 28, 2023 at 9 a.m. Central – In-person deposition in or close to Ada, Oklahoma
 - f. Jamie Leach – March 1, 2023 at 9 a.m. Central – In-person deposition in or close to Ada, Oklahoma
3. The deposition dates set forth above may be rescheduled if both Complaint Counsel and Leachco agree on the new date and time.
 4. Complaint Counsel’s December 21, 2022 Motion to Compel Depositions or, in the Alternative, Motion for Leave to Take Depositions is hereby treated as withdrawn without prejudice.

Done and dated _____ 2022

Michael G. Young
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2022, I served the Stipulation and Joint Motion to Set Schedule for Leachco to Comply with December 16, 2022 Order and the Depositions of Leachco Employees on all parties and participants of record in these proceedings as follows:

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

By email to the Presiding Officer:

Judge Michael G. Young
Presiding Officer and Administrative Law Judge
Federal Mine Safety and Health Review Commission
1331 Pennsylvania Ave., N.W., Ste. 520N
Washington, DC 20004-1710
Email: myoung@fmshrc.gov
cjannace@fmshrc.gov

By email to Counsel for Respondent:

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

John F. Kerkhoff
Frank D. Garrison
Pacific Legal Foundation
3100 Clarendon Boulevard, Suite 610
Arlington, VA 22201
Email: JKerkhoff@pacificlegal.org
FGarrison@pacificlegal.org

/s/ Michael J. Rogal
Michael J. Rogal
Complaint Counsel for
U.S. Consumer Product Safety Commission