

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of)
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THYSSENKRUPP ACCESS CORP.) CPSC Docket No: 21-1
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Respondent.)

ORDER DENYING SUBPOENA ON NON-PARTY ROBERT S. ADLER

Section 27(b)(3) of the Consumer Product Safety Act authorizes the Commission “to require by subpoena the attendance and testimony of witnesses and the production of all documentary and physical evidence relating to the execution of its duties.” 15 U.S.C. § 2076(b)(3). The Commission’s Rules of Practice for Adjudicative Proceedings require a subpoena for any person not a party to the proceedings for the purpose of compelling attendance, testimony, and the production of documents. 16 C.F.R. § 1025.38(a).

On January 25, 2022, the Respondent filed on the docket an Application for the Issuance of Subpoena on Non-Party Robert S. Adler (“Application”) concerning *In the Matter of Thyssenkrupp Access Corp.*, CPSC Docket 21-1. On January 27, 2022, the Presiding Officer issued an Order pursuant to 16 C.F.R. § 1025.38(c) transmitting Respondent’s Application to the Commission.

IT IS HEREBY ORDERED BY THE COMMISSION:

That the attached Subpoena to Robert S. Adler be denied without prejudice to a future application for subpoena that is justified consistent with the Commission’s Rules of Practice for Adjudicative Proceedings and applicable case law. *See, e.g.*, 16 C.F.R. § 1025.31(c)(1); *U.S. v. Morgan*, 313 U.S. 409 (1941); *U.S. v. Wal-Mart Stores, Inc.*, No. 01–CV–152, 2002 WL 562301 (D. Md. Mar. 29, 2002).

SO ISSUED this 7th day of February, 2022.

FOR THE COMMISSION,

Alberta E. Mills
Secretary
Consumer Product Safety Commission