

UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of

Britax Child Safety, Inc.

CPSC Docket No. 18-1

May 3, 2018

Scheduling Order

I held an initial prehearing conference in this matter on May 3, 2018. The conference addressed the matters set out in 16 C.F.R. § 1025.21(a). After consulting with the parties about discovery, I find good cause to extend the deadline for completing discovery beyond 150 days based on the delay in appointing a presiding officer and the complexity of the proceeding. 16 C.F.R. § 1025.31(g). Accordingly, I ORDER the following procedural schedule:

- October 15, 2018: Parties exchange expert reports and expert disclosures.
- December 1, 2018: Discovery closes and parties exchange rebuttal expert reports.
- February 1, 2019: Motions for summary decision are due.
- February 15, 2019: Responses to motions for summary decision are due.
- February 25, 2019: Replies to motions for summary decision are due.
- April 12, 2019: Prehearing briefs are due.
- April 19, 2019: Witness and exhibit lists and stipulations are due.
- April 26, 2019: Motions in limine are due.
- May 6, 2019: Hearing commences at the headquarters of the Securities and Exchange Commission.

As proposed jointly by the parties and under the authority of 16 C.F.R. § 1025.31(i), I adopt the following changes to the discovery procedure in the Rules of Practice:

- (1) The parties need not seek leave of the presiding officer to notice depositions. Any objection to a notice of deposition shall be promptly brought to my attention.
- (2) The provisions of Federal Rule of Civil Procedure 26(b)(4)(B) and (C) concerning disclosure of draft expert reports and communications between a party's expert and counsel shall apply in this proceeding.

I brought to the parties attention the letter dated April 19, 2018, from Consumer Product Safety Commission Acting Chairman Ann Marie Buerkle to Securities and Exchange Commission Chief Administrative Law Judge Brenda Murray that appointed me to be the presiding office in this matter. Neither party objected to this letter being included in the administrative record of this proceeding. I have therefore attached it to this order for inclusion in the record and the CPSC docket, but I have redacted telephone numbers and email addresses of CPSC employees from the version of this order to be placed in the public record.



Cameron Elliot
Administrative Law Judge



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

ACTING CHAIRMAN ANN MARIE BUERKLE

April 19, 2018

U.S. Mail and Email to:

The Honorable Brenda Murray
Chief Administrative Law Judge
Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549

Re: Case Assignment Letter for OPM Loan Number 2018-20, Expiration date: 9-30-2018, *In the Matter of Britax Child Safety, Inc., CPSC Docket No. 18-1.*

Dear Judge Murray:

This letter confirms that the Office of Personnel Management has approved the U.S. Consumer Product Safety Commission's ("Commission") request for the loan of an Administrative Law Judge ("ALJ") from the Securities and Exchange Commission ("SEC"). The Commission is requesting the ALJ for administrative case - *In the Matter of Britax Child Safety, Inc., CPSC Docket No. 18-1*. This letter confirms that you have appointed Judge Cameron Elliot to preside over the above-referenced matter. Pursuant to my authority under section 4(g)(2) of the Consumer Product Safety Act, 15 U.S.C. § 4(g)(2), I appoint Judge Elliot to be the presiding officer in this matter.

The Complaint initiating this proceeding was issued February 22, 2018 and was published in the *Federal Register* on February 27, 2018. The complaint seeks public notification and remedial action pursuant to 15 U.S.C. § 2064(c) and (d) of the Consumer Product Safety Act. I have enclosed copies of the Commission's Complaint in the matter and the Commission's "Rules of Practice for Adjudicative Proceedings," located in 16 C.F.R. part 1025.¹ Note that part 1025 requires that "[e]xcept when the presiding officer determines that unusual circumstances would render it impractical or valueless, a prehearing conference shall be held in person or by conference telephone call within fifty (50) days after publication of the complaint in the *Federal Register* and upon ten (10) days' notice to all parties and participants." 16 C.F.R. § 1025.21(a).

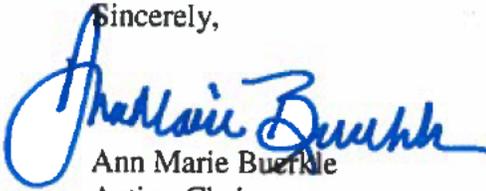
The Commission will enter into an inter-agency agreement with SEC's ALJ Office for Judge Elliot's services in this matter. Please work with Assistant General Counsel for the

¹ Pleadings filed thus far can be found on the Commission's website: <https://www.cpsc.gov/Recalls/Recall-Lawsuits/Adjudicative-Proceedings>.

General Law Division, Melissa Buford [REDACTED] who will be the contracting officer for this matter. Please contact our General Counsel, Patricia Hanz [REDACTED] or attorneys Patricia Vieira [REDACTED] or Mary House [REDACTED] concerning any other procedural matter.

The Commission appreciates the assistance of your office and the cooperation of the SEC in making available to our agency the services of Judge Elliot.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ann Marie Buehler".

Ann Marie Buehler
Acting Chairman

Enclosures

cc:
Joseph S. Kennedy
Associate Director
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ALJ Program Office
U.S. Office of Personnel Management
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