

**UNITED STATES OF AMERICA
CONSUMER PRODUCT SAFETY COMMISSION**

In the Matter of Amazon.com, Inc.,

Respondent

CPSC Docket No. 21-2

MOTION TO SET REPLY BRIEF DEADLINE

In its Order of August 3, 2023, the Commission held that it would consider adjustments to the default appeal briefing schedule set forth in the Commission's Rules of Practice for Adjudicative Proceedings, *see* 16 C.F.R. § 1025.53, once the Commission was in a position to assess the scope of the issues on appeal. *See* Dkt. 124 (Aug. 3, 2023 Order). Since that Order, both Amazon.com, Inc. ("Amazon") and Complaint Counsel (collectively, the "Parties") have filed their Appeal and Answering briefs spanning nearly a dozen separate issues. By necessity of the number of issues requiring appeal and the complexity of the relevant legal and factual questions at hand, Amazon's Appeal brief was approximately 74 pages in length. Under the default schedule, Complaint Counsel was allotted 30 days to file its Answering brief. Complaint Counsel's Answering brief, in turn, is notably longer than Amazon's Appeal brief at approximately 89 pages. And yet, under the default briefing schedule, Amazon would only be allotted 14 days to respond to an 89-page brief.

Amazon respectfully requests that the Commission grant a 14-day extension to the default Reply deadline. Whereas Complaint Counsel was allocated 30 days to respond to a brief approximately 74 pages in length, Amazon's requested extension would still require Amazon to

respond to an even-longer brief in only 28 days. Amazon has no objection to the same extension for Complaint Counsel's Reply.

As summarized previously to the Commission, Amazon has endeavored to accommodate Complaint Counsel's extension requests in this adjudication. In May 2022, for example, Complaint Counsel requested—and Amazon agreed to—a month-long extension of an expert discovery deadline to accommodate substitution of the agency's anticipated rebuttal expert. Amazon understands that Complaint Counsel will make their position known with regard to Amazon's request. For the reasons set forth above, Amazon nonetheless requests this reasonable extension to the default briefing schedule.

Finally, given the relatively short default Reply window, Amazon respectfully requests expedited consideration and ruling on this Motion.

Dated: September 22, 2023

Respectfully submitted,



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[PROPOSED] ORDER

This matter, having come before the Commission on Respondent Appellant Amazon.com, Inc.'s Motion to Set Reply Brief Deadline dated September 22, 2023, it is hereby ORDERED that the Motion is GRANTED.

It is further ORDERED that there is good cause to extend the filing deadline for Reply briefs in this appeal by 14-days. Accordingly, Reply briefs shall be due on October 18, 2023.

DATE:

BY THE COMMISSION:

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2023, a copy of the foregoing was served upon all parties and participants of record in these proceedings as follows:

- by email to the Secretary of the U.S. Consumer Product Safety Commission, Alberta Mills, at amills@cpsc.gov; and
- by email to Complaint Counsel at jeustice@cpsc.gov, lwolf@cpsc.gov, sanand@cpsc.gov, fmillett@cpsc.gov, and tmendel@cpsc.gov.

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