

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

In the Matter of Amazon.com, Inc.,

Respondent

CPSC Docket No. 21-2

**RESPONDENT AMAZON.COM, INC.'S UNOPPOSED
MOTION FOR AN EXTENSION OF TIME**

Pursuant to the Commission's regulations at 16 C.F.R. § 1025.15(c) and 16 C.F.R. § 1025.23, Respondent Amazon.com, Inc. (Amazon) hereby moves for an extension of time for Complaint Counsel to file its statement of disputed issues and for Amazon to file its reply to that statement. Amazon respectfully requests that both deadlines be extended by three days, setting Complaint Counsel's deadline to September 17, 2024, and Amazon's deadline to September 24, 2024. Complaint Counsel does not oppose this motion. Amazon further requests that the Commission rule on this motion by September 10, 2024. Unless consideration of this motion is expedited, the Commission may not have the opportunity to rule on this motion until after Complaint Counsel's deadline.

On July 29, 2024, the Commission issued an Initial Decision and Order that, among other things, ordered Amazon to submit a Proposed Notification Plan and Proposed Action Plan to Complaint Counsel and then to the Commission. After Amazon files the required plan with the Commission, the Order gives Complaint Counsel three days to file a statement regarding any disputed issues with the Proposed Notification Plan and the Proposed Action Plan. The Order then gives Amazon only two days to submit any reply.

On August 28, 2024, at Amazon’s request, Complaint Counsel sent Amazon a redline of Amazon’s Proposed Notification and Action Plan reflecting Complaint Counsel’s proposed changes. The next day, counsel for Amazon met and conferred with Complaint Counsel to discuss this proposed plan, as required by the Initial Decision and Order. From these interactions, it is clear that there remain several points of disagreements between Amazon and Complaint Counsel. Issues that Complaint Counsel and Amazon continue to disagree on include, for example:

- Additional Direct Notices. Complaint Counsel’s proposed plan would require Amazon to issue two rounds of direct notices to consumers. Amazon disputes that multiple additional rounds of notices are “required in order to adequately protect the public.” 15 U.S.C. § 2064(c)(1).
- Cease Distribution Order. Complaint Counsel seeks to include in the plan a requirement that Amazon cease distribution of the Subject Products. This requirement is unnecessary because Amazon has already destroyed every unit of the Subject Products and notified the third-party sellers that they may not sell these products on Amazon.com.
- Recall Alert. Complaint Counsel would classify the Commission’s public notice as a “Press Release.” However, the Commission’s Recall Handbook counsels that a “Recall Alert” is more appropriate where, as here, the firm can identify and contact the individual purchasers.
- Social Media Postings. Complaint Counsel would have the Commission order Amazon to post the notices on its social media pages. Amazon disputes that any social media posting is “required in order to adequately protect the public,” 15 U.S.C. § 2064(c)(1), and contends that to order it to make any social media posting would compel its speech in violation of the First Amendment.
- Returns or Proof of Destruction for CO Detectors. Complaint Counsel’s proposed plan would make refunds for carbon monoxide detectors conditional on product returns. Amazon’s Proposed Notification and Action Plan would require consumers to submit proof of destruction rather than return the products.

Beyond these examples, it is also possible that Complaint Counsel may raise additional disputes in its forthcoming statement.

In light of the breadth of these disputes, requiring Amazon to draft a reply to Complaint Counsel’s arguments in two days would hamper Amazon’s ability to advocate effectively and

would deprive the Commission of the benefit of full briefing on these important issues. Moreover, providing Amazon with only two days to respond to Complaint Counsel, who has already seen a version of the Proposed Notification Plan and Proposed Action Plan, and will have three (not two) days to respond after it is filed with the Commission, is fundamentally inequitable.

For these reasons, Amazon respectfully requests that the Commission set the deadline for Complaint Counsel to submit its statement of disputed issues to September 17, 2024, and the deadline for Amazon to submit a reply to September 24, 2024.

Dated: September 4, 2024

Respectfully submitted,



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Counsel for Respondent

[PROPOSED] ORDER

In a September 4, 2024 motion, Amazon requested an extension of time for Complaint Counsel to file a statement regarding any disputed issues with Amazon’s Proposed Notification Plan and the Proposed Action Plan and for Amazon to submit a reply to Complaint Counsel’s statement. Complaint Counsel does not oppose this motion. Having considered Amazon’s Motion for an Extension of Time (Dkt. ___), the Amazon’s motion is hereby GRANTED. Complaint Counsel must submit its statement regarding any disputed issues with Amazon’s Proposed Notification and Action Plan by September 17, 2024. Amazon must file any reply to Complaint Counsel’s statement by September 24, 2024.

SO ORDERED this ___ day of September, 2024.

BY THE COMMISSION,

ALBERTA E. MILLS, Secretary
Consumer Product Safety Commission